

RHODE ISLAND FIRE LAWS
TITLE 23 HEALTH AND SAFETY

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CHAPTER 28.1 FIRE SAFETY CODE - GENERAL PROVISIONS

Section

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23-28.1-1. Short title

Chapters 28.1 - 28.39 of this title shall be known and may be cited as the 'Fire Safety Code'.

23-28.1-2. Purposes - Rules of construction - General application.

- (a) This code shall be liberally construed and applied to promote its underlying purposes and policies.
- (b) The underlying purposes and policies of these chapters are:
 - (1) To simplify, clarify and modernize the law governing fires and fire prevention;
 - (2) To specify reasonable minimum requirements for fire safety in new and existing buildings and facilities, except in private dwellings occupied by one, two (2) or three (3) families, in the various cities and towns in this state; and
 - (3) Except as provided in subdivision (5) of this subsection, to permit the cities and towns to enact ordinances and orders relating to fire safety provided those ordinances and orders impose requirements equal to, additional to, or more stringent than those contained in this code. Any ordinance or order relating to fire safety enacted by any city or town shall be prospective in its application and shall be enacted after public hearing. The city or town shall cause printed notices of the time, place, and subject matter of the hearing to be posted in three (3) public places in the city or town, for three (3) weeks next preceding the time of the hearing, and shall advertise in a newspaper circulated in the city or town, if any there be, at least once a week for the same period of time;
 - (4) Jurisdiction for the interpretation of any city or town ordinance or order relating to fire safety shall be in the division of fire safety; provided, however, that the responsibility for the enforcement of the ordinance or order shall be with the local authorities and petitions for variations from the ordinance or order shall be heard by the state fire safety board of appeal and review in the manner prescribed in chapter 28.3 of this title;
 - (5) Notwithstanding anything to the contrary contained herein, no city or town may enact any ordinance or order relating to the requirement for the handling of explosives pursuant to chapter 28.28 or for the installation of, or specifications for, the fire alarm sections of this code, the fire protection systems as prescribed by chapter 28.25 of this title, which chapter shall exclusively govern the requirements for the installation of, and specification for, fire protection systems and handling of explosives. All such ordinances or orders relating to the requirements for the

installation of and specifications for such fire protection systems or the handling of explosives heretofore enacted by any city or town are of no force and effect.

(c) In this code, unless the context otherwise requires:

(1) Words in the singular number include the plural, and in the plural include the singular; and

(2) Words of the masculine gender include the feminine and the neuter and, when the sense so indicates words of the neuter gender may refer to any gender.

23-28.1-3. Codification.

Specific types of occupancies and general subjects are regulated under chapters and to further facilitate reference each section of each chapter is titled and in numerical order.

23-28.1-4. Interpretations.

In this code:

(1) The titles and headings of chapters shall be deemed to be a part of those chapters; provided, however, that the titles and heading of sections shall not be considered a part thereof.

(2) Where in this code such terms as 'proper', 'adequate', 'sufficient', 'ample', 'suitable', 'substantial', 'necessary', 'dangerous', and the like or derivatives thereof are used, they shall be understood to mean proper, adequate, etc., to the satisfaction or in the opinion of the authority having enforcement jurisdiction; and such terms as 'where practicable', 'where required', 'as far as possible', shall have a like significance.

(3) Where the term 'approved' is used in this code, it shall be understood to mean 'in accordance with the specific provisions related to the particular subject as are contained in this code, or as approved in particular by the state fire marshal.'

23-28.1-5. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section:

(1) Air supported structure. A structural and mechanical system which is constructed of high strength fabric or film and achieves its shape, stability, and support by pretensioning with internal air pressure; air structures may be used for temporary applications.

(2) Alteration. As applied to a building or structure means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

(3) Apartment house.

(i) The term 'apartment house' shall mean a building containing four (4) or more family units or apartments arranged such that a common means of egress is shared by two (2) or more family units or apartments.

(ii) A family unit or apartment shall be that part of an apartment house that is arranged for the use of one or more persons living and cooking together or alone as a single housekeeping unit.

(4) Area of refuge. The term 'area of refuge' shall mean a ground area, reasonably accessible from a building, of sufficient size and in safe condition for refuge by all building occupants at a safe distance from the building. When used in relation to areas within buildings, this term shall mean an area beyond a fire wall or smoke barrier of sufficient size to offer refuge to all occupants on the same floor of the building.

(5) Attic. The space between the ceiling beams of the top habitable story and the roof rafters.

(6) Attic (habitable). A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven and one-third feet (71/3') above the attic floor is not more than one-third (1/3) the area of the floor next below.

(7) Authority having jurisdiction. Unless specifically defined to the contrary in the various occupancy chapters, the authority having jurisdiction shall be the state fire marshal, the deputy fire marshal, and assistant deputies.

(8) Automatic. As applied to fire protection devices, is a device or system providing an emergency function without the necessity of a human intervention and activated as a result of a predetermined temperature rise, rate of rise of temperature, or increase in the level of combustion products, such as incorporated in an automatic sprinkler system, automatic fire door, etc.

(9) Automatic detecting device. A device which automatically detects heat, smoke, or other products of combustion.

(10) Automatic fire alarm system. A manual fire alarm system containing automatic detecting device(s) which actuate a fire alarm signal.

(11) Automatic fire door. A fire door or other opening protective constructed and arranged so that, if open, it shall close when subjected to:

(i) A predetermined temperature,

(ii) A predetermined rate of temperature rise, or

(iii) Smoke or other products of combustion.

(12) Automatic sprinkler. A device, connected to a water supply system, that opens automatically at a predetermined fixed temperature and disperses a spray of water.

(13) Automatic sprinkler system. A sprinkler system, for fire protection purposes, is an integrated system of underground and/or overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above ground is a network of specially or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.

(14) Automatic water supply. Water supplied through a gravity or pressure tank or automatically operated fire pumps, or from a direct connection to an approved municipal water main.

(15) Basement. The term 'basement' shall mean that portion of a building, the floor of which is at least two feet (2') below the lowest adjacent ground level or sidewalk at any point, and is below ground level for more than fifty percent (50%) of its area to a depth greater than fifty percent (50%) of its clear story height (floor to ceiling). (See 'Story,' 'Cellar.')

(16) Boarding homes. The term 'boarding home' shall mean a building used in whole or in part as a place for the boarding and care of five (5) or more persons, excluding a family group of a dwelling or home, and homes for the aged, but shall not include such places as are defined under the term 'hospital,' 'convalescent home,' 'nursing home,' 'foster home,' 'rest home.'

(17) Building. Any structure used or intended for supporting or sheltering any use or occupancy.

(18) Building (Existing). Any structure erected prior to the adoption of the appropriate code, or one for which a legal building permit has been issued.

(19) Business building. The term 'business building' shall mean a building used for or planned for use in transacting business that does not involve the storage of stocks or goods, wares, or merchandise in large quantities, except such as are incidental to display purposes; included, among others shall be office buildings, civil administration activities, professional services,

testing, and research laboratories, radio stations, telephone exchanges, gasoline stations having a storage capacity under twenty thousand (20,000) gallons, and similar establishments.

(20) Cellar. That portion of a building the ceiling of which is completely below ground level at all exterior walls. (See 'Story,' 'Basement'.)

(21) Child day care center. The term 'child day care center' shall mean a room or group of rooms or spaces within a building used as a place for the care, guidance and/or supervision of a total of five (5) or more children not of common parentage, which term shall include all such places known as day nurseries, nursery schools, kindergarten schools, play schools, and preschools.

(22) Chimney. A primarily vertical enclosure containing one or more passageways.

(23) Chimney connector. A pipe which connects a fuel burning appliance to a chimney.

(24) Classroom. The term 'classroom' shall mean a room used by a group of students to receive instructions or pursue studies.

(25) Code. The term 'code' shall mean this Fire Safety Code established under the provisions of § 23-28.1-1.

(26) Combustible. The term 'combustible' shall mean that which is not within the category of 'noncombustible,' as defined in this section of the code.

(27) Convalescent home. See intermediate care facility.

(28) Covered mall. A covered or roofed interior area used as a pedestrian public way and connecting buildings and/or a group of buildings housing individual or multiple tenants.

(29) Dumbwaiters. A 'dumbwaiter' is a lifting and lowering mechanism with a floor area not exceeding nine (9) square feet, with a car top not more than four feet (4') above the car floor, the capacity not to exceed five hundred pounds (500 lbs.), which is used exclusively for carrying freight. No persons are permitted to ride on, in, or to step into the car.

(30) Elevator. An elevator is a hoisting and lowering mechanism equipped with a car platform which moves in guides in a substantially vertical direction which services two (2) or more floors of a building or structure.

(31) Exit. The term 'exit' shall have the same meaning as 'means of egress,' as defined in this section.

(32) Factory-built chimneys. A chimney that is factory made, listed by a nationally recognized testing or inspection agency, for venting gas appliances, gas incinerators, and solid or liquid fuel burning appliances.

(33) Family day care home. The term 'family day care home' means any home other than the child's home in which child day care in lieu of parental care and/or supervision is offered at the same time to at least four (4) but not more than eight (8) children who are not relatives of the care giver, and which is licensed by the state department of children, youth, and families and subject to the department's regulations.

(34) Fire door. The term 'fire door' shall mean a door and its assembly with jamb, so constructed and assembled in place as to have a certified fire-resistant rating of at least the herein prescribed duration.

(35) Fire retardant treated wood.

(i) The term 'fire retardant treated wood' shall mean wood so treated by a pressure impregnation process as to reduce its combustibility. When permitted as a structural element, fire retardant treated wood shall be tested in accordance with Standards of N.F.P.A. 255, A.S.T.M.E.-84 and U.L. 723, and shall show a flamespread rating of no greater than twenty-five (25) when exposed for a period of not less than thirty (30) minutes with no evidence of significant progressive

combustion. The material shall bear the identification of an accredited authoritative testing agency showing the performance thereof.

(ii) When used as an interior finish, material fire retardant treated wood shall meet the required flame spread ratings when tested in accordance with the test scale described in the definition of flamespread.

(iii) Such material shall not be used on the exterior of buildings where it will be exposed directly to the weather.

(36) Fire wall. The term 'fire wall' shall mean a wall of brick, reinforced concrete, hollow masonry units or other approved noncombustible materials, which subdivides a building or separates a building to restrict the spread of fire; and shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall; and shall be continuous from foundation to two feet eight inches (2' 8") above the roof surface, except the wall is permitted to terminate at the underside of the roof deck where the roof is of noncombustible construction and is properly firestopped at the wall or the roof sheathing or deck is constructed of approved noncombustible materials or approved fire-retardant treated wood and the wall is properly firestopped at the deck for a distance of four feet (4') on both sides of the wall and the roof covering has a minimum of a class C rating.

(37) Flame resistance. The property of materials or combinations of component materials which restricts the spread of flame as determined by the flame resistance tests specified in this code.

(38) Flamespread. The propagation of flame over a surface.

(39) Flamespread rating. The measurement of flamespread on the surface of materials or their assemblies as determined by tests conducted in compliance with recognized standards.

(40) Flamespread rating. The term 'flamespread rating' shall mean the classification of materials in accordance with the method of testing the surface burning characteristics of building materials as described in N.F.P.A. pamphlet 255, A.S.T.M.E.-84, and U.L. 723, in which asbestos cement board rates zero (0) on the scale, and red oak lumber, one hundred (100).

(41) Flammable. Subject to easy ignition and rapid flaming combustion.

(42) Floor furnace. A self-contained, connected or vented furnace designed to be suspended from the floor of the space being heated taking air for combustion outside this heated space and with means for observing the flame and lighting the appliance from the space being heated.

(43) Forced warm air furnace. A furnace equipped with a blower to provide the primary means for circulating air.

(44) Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

(45) Grade hallway, grade lobby, grade passageway. An enclosed hallway or corridor that is an element of an exitway, terminating at a street or an open space or court communicating with a street.

(46) Grandstand. Any structure, except movable seating and sectional benches, intended primarily to support individuals for the purposes of assembly, but this definition shall not apply to the permanent seating in theatres, churches, auditoriums, and similar buildings.

(47) Group home I. A 'group home I' for children means a specialized facility for child care and treatment in a dwelling or apartment owned, rented or leased by a public child-placing agency, private licensed child-placing agency, a family and independent operator or private or public organization which receives no more than eight (8) children for care both day and night. A 'group home I' shall be subject to the same fire and health regulations which apply to 'homes for the boarding of children' licensed by the state department of children, youth, and families with a

maximum total of eight (8) children as defined in chapter 28.13 of this title, §§ 23-28.13-27 to 23-28.13-33, inclusive; provided, however, that the provisions of § 23-28.30-13 shall also be applicable.

(48) Habitable space. Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

(49) Habitable space, minimum height. A clear height from finished floor to finished ceiling of not less than seven and one-half feet (7 1/2'), except that in attics and top half stories the height shall be not less than seven and one-third feet (7 1/3') over not less than one-third (1/3) the area of the floor when used for sleeping, study, or similar activity.

(50) Habitable space, minimum size. A space with a minimum dimension of seven feet (7') and a minimum area of seventy square feet (70 sq. ft.) between enclosing walls or partitions, exclusive of closet and storage spaces.

(51) Halogenated extinguishing system. A system of pipes, nozzles, and an actuating mechanism and a container of halogenated agent under pressure.

(52) Health care facilities. A place, however named, which is established, offered, maintained, or operated for the provision of organizing inpatient or ambulatory medical, diagnostic, therapeutic, nursing, rehabilitative, or preventive care of persons with physical, mental, or other disabling conditions or diseases; including, but not limited to, hospitals, skilled nursing facilities, and intermediate care facilities.

(53) Heating appliance. Any device designed or constructed for the generation of heat from solid, liquid, or gaseous fuel or electricity.

(54) High rise. Is a structure more than six (6) stories or which is more than seventy-five feet (75') in height above the basement or ground.

(55) Hollow masonry unit. A masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five percent (75%) of its gross cross-sectional area measured in the same plane.

(56) Horizontal exit. The 'horizontal exit' shall mean a doorway through or around a fire wall protected by a fire door, which door shall not be held in an open position by a device which will require more than one movement of normal strength to close. This term shall also include a bridge connecting two (2) buildings whose outside walls are of masonry construction.

(57) Hospital. A 'hospital' is a health facility with an organized medical staff providing for twenty-four (24) hour inpatient services for the diagnosis, care and treatment of two (2) or more individuals unrelated by blood or marriage.

(58) Hotel. The term 'hotel' shall mean a building or portion of a building used as a place where sleeping accommodations are furnished for hire or other consideration, with or without board, for twenty-one (21) or more guests or employees of the management, or in which eleven (11) or more sleeping rooms are maintained for such guests or employees. The term 'hotel' shall include all clubs, schools, motels, dormitories, or other buildings which have similar sleeping accommodations, but shall not include apartment houses, hospitals, penal institutions, or buildings housing the insane.

(59) Industrial building. The term 'industrial building' shall mean a building or structure used, or planned to be used for manufacturing primarily, or in which five (5) or more persons, at any one time, are engaged in performing work or labor in fabricating, assembling, or processing of products or materials. Included, among others, shall be factories, assembly plants, industrial laboratories, and all other industrial or manufacturing uses; excluding high hazard uses. This

definition shall also apply to those industrial buildings the contents of which are classified as ordinary hazard or high hazard in accordance with § 23-28.17-7 regardless of the number of employees.

(60) Interior finish.

(i) The term 'interior finish' shall mean and include the material on walls, on partitions of fixed or movable type, on ceilings and on other exposed interior surfaces of buildings and any surfacing material including paint or wall coverings applied thereto. 'Interior finish' includes materials affixed to the building structure as distinguished from decorations or furnishings which are not so affixed. Finish floors and floor coverings shall be considered a part of the interior finish.

(ii) The classification of interior finish materials shall be that of the basic material used, without regard to subsequently applied paint or paper or materials of no greater fire hazard than paper, provided such finish does not exceed one-twenty-eighth of an inch (1/28") in thickness and is applied directly to a noncombustible base. Baseboards, chair rails, moulding, trim around openings, and other interior trim not more than twelve inches (12") in width and not exceeding ten percent (10%) of the exposed wall and ceiling surface of the area involved, may be Class A, B or C. Exposed portions of heavy timber members shall not be subject to interior finish regulations. Interior finish materials that give off smoke or gases more dense or more toxic than that given off by untreated wood under comparable exposure to heat or flame shall not be permitted.

(iii) Interior finish materials shall be grouped in accordance with their flamespread characteristics as follows:

(A) 'Class A' includes any material classified at twenty-five (25) or less flamespread rating as established by the test scale described in the definition of flamespread rating. Any element thereof when so tested shall not continue to propagate flame.

(B) 'Class B' includes any material classified at more than twenty-five (25) but not more than seventy-five (75) as established by the test scale as described in the definition of flamespread rating.

(C) 'Class C' includes any material classified at more than seventy-five (75) but not more than two hundred (200) as established by the test scale described in the definition of flamespread rating.

(61) Intermediate care - Class I. An intermediate care - Class I is a physical structure properly equipped and employing sufficient appropriate personnel to render proper nursing care to patients with chronic conditions who do not require professional nursing service.

(62) Intermediate care - Class II. An intermediate care - Class II is a physical structure properly equipped and employing sufficient appropriate personnel capable of providing care for ambulatory persons requiring minimal or no specialized nursing service but in need of personal care and supervision.

(63) Intermediate care facility. An intermediate care facility is a health care facility or an identifiable unit or distinct part of a facility which provides twenty-four (24) hour inpatient preventive and supportive nursing care to two (2) or more persons unrelated by blood or marriage whose condition is stabilized but requires continued nursing care and supervision.

(64) Labeled. The word 'labeled' used in connection with equipment throughout these regulations refers to equipment bearing the inspection label of the nationally recognized testing agency.

(65) Limited area sprinkler system. An automatic sprinkler system consisting of not more than twenty (20) sprinklers for use in a room or space enclosed by construction assemblies as required by this code.

(66) Liquefied natural gas. A fluid in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen or other components normally found in natural gas.

(67) Liquefied petroleum gas. The term 'liquefied petroleum gas' and its symbol, 'LP-Gas,' as used in this code, shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or iso-butane), and butylenes.

(68) Listed. The word 'listed' used throughout these regulations in connection with equipment refers to devices and materials that have been investigated by and meet the listing requirements of a nationally recognized testing agency. This equipment shall be identifiable by means of a label or other distinguishing marking specified in the current list published by the testing agency.

(69) Lobby. The enclosed vestibule between the principal entrance to the building and the doors to the main floor of the auditorium or assembly room of a theatre or place of assembly, or to the main floor corridor of a business building.

(70) Masonry chimney. A field constructed chimney of solid masonry units, bricks, stones, listed hollow masonry units, or reinforced concrete built in accordance with nationally recognized standards.

(71) Means of egress. A continuous and unobstructed path of travel from any point in a building or structure to a public space and consists of three (3) separate and distinct parts:

- (i) the exitway access;
- (ii) the exitway; and
- (iii) the exitway discharge.

A means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(72) Mercantile buildings. The term 'mercantile building' shall mean a building or structure used or intended to be used for the display or sale of goods, wares, and merchandise and in which people congregate, but involving only storage of stocks and goods that are incidental to display and merchandising, including among others, retail stores, shops, sales rooms, and markets, excluding high hazard contents.

(73) Metal chimney (Smokestack). A field constructed chimney made of metal and built in accordance with nationally recognized standards.

(74) Mezzanine. An intermediate level between the floor and ceiling of any story, and covering not more than thirty-three percent (33%) of the floor area of the room in which it is located.

(75) Motels. See 'hotels.'

(76) Noncombustible. The term 'noncombustible' as applied to building construction materials means material which, in the form in which it is used, falls in one of the following groups

(i) through (iii). No material shall be classed as noncombustible which is subject to increase in combustibility or flamespread rating beyond the limits established in this code, through the effects of age, moisture, or other atmospheric condition. Flamespread rating as used herein refers to ratings established by the test scale described in the definition of flamespread rating.

(i) Materials no part of which will ignite and burn when subjected to fire.

(ii) Materials having a structural base of noncombustible material as defined in (i) with a surfacing material not over one-eighth inch (1/8") thick which has a flamespread rating not higher than fifty (50).

(iii) Materials, other than as described in (i) and (ii), having a surface flamespread rating not higher than twenty-five (25) without evidence of continued progressive combustion and of such composition that surfaces that would be exposed by cutting through the material in any way would not have a flamespread rating higher than twenty-five (25) without evidence of continued progressive combustion.

(77) Noncombustible material.

(i) The term 'noncombustible material' when used in relation to interior finish on walls or on partitions of fixed or movable type or on other exposed interior wall surfaces and any surface material such as paint or other wall coverings shall mean material which in the form it is used falls into clause (A) or (B):

(A) Materials no part of which will ignite or burn when subjected to fire;

(B) Materials other than described in clause (A) having a maximum surface flamespread rating on both front and back faces not higher than Class A without evidence of continued progressive combustion and of such composition that surfaces exposed by cutting through the material in any way would not have a flamespread rating higher than Class A without evidence of continued progressive combustion.

(ii) The term 'noncombustible material' when used in relation to acoustical ceiling tile or other interior finish on ceilings shall mean materials having a maximum surface flamespread rating on both front and back faces not higher than Class A without evidence of continued progressive combustion and of such composition that surfaces exposed by cutting through the material in any way would not have a flamespread rating higher than Class A without evidence of continued progressive combustion and when used as a part of a ceiling assembly the assembly shall be of a design tested and listed by underwriters' laboratories, inc., as having a fire resistance rating of not less than one hour.

(iii) No material shall be classed as noncombustible which is subject to increase in combustibility or flamespread rating beyond the limits established in this code through the effects of age, moisture, or other atmospheric condition. Flamespread rating, as used in this code refers to ratings obtained according to standard tunnel test methods of a nationally recognized laboratory in which asbestos cement board rates zero (0) on the scale and red oak lumber one hundred (100), in accordance with Standards of N.F.P.A. 255, A.S.T.M.E.-84 and U.L. 723.

(iv) The term 'noncombustible' when used in relation to buildings in general and components of buildings shall mean that type of structure which is constructed completely of masonry, reinforced concrete, metal, or other materials having fire resistance rating of not less than two (2) hours. A building shall be termed 'noncombustible' whether or not wood flooring has been laid over solid or slab masonry, and whether or not door and window assemblies are of wood.

(78) Occupancy. The term 'occupancy' shall mean the use of space or rooms within a building by a person or group of persons.

(79) Place of assembly. The term 'place of assembly' shall mean a room or space within a building in which the possible maximum occupancy is more than seventy-five (75) persons in existing buildings and in which more than fifty (50) persons assemble in new structures for religious, recreational, educational, political, fraternal, social or amusement purposes, or for the consumption of food or drink, except school classrooms, libraries, courtrooms, or any portion of a private dwelling. The room or space shall include adjacent rooms with intervening partitions, open or capable of being opened so as to allow for occupancy with a common purpose.

(80) Place of outdoor assembly. Premises used or intended to be used for public gatherings of two hundred (200) or more individuals in other than buildings.

(81) Plastic, combustible. A plastic material more than one-twentieth inches (1/20") in thickness which burns at a rate of not more than two and one-half inches (2 1/2") per minute when subjected to ASTM D 635, standard method of test of flammability of self-supporting plastics.

(82) Posted sign. The tablet, card, or plate which defines the use, occupancy, fire grading and floor loads of each story, floor or parts thereof for which the building or part thereof has been approved.

(83) Proprietary system. A protective signaling system under constant supervision by competent and experienced personnel in a central supervision station at the property protected. The system includes equipment and other facilities required to permit the operators to test and operate the system and, upon receipt of a signal, to take such action as shall be required under the rules established for their guidance by the authority having jurisdiction.

(84) Protected corridor. A corridor or hallway in a building which extends from exit to exit and which has walls or partitions of materials and construction having a fire resistant rating of one hour or more.

(85) Public space. A legal open space on the premises, accessible to a public way or street, such as yards, courts, or open spaces permanently devoted to public use which abuts the premises.

(86) Pyroxylin plastic. Any nitro-cellulose product or compound soluble in a volatile, flammable liquid, including such substances as celluloid, pyroxylin, fiberloid, and other cellulose nitrates (other than nitrocellulose film) which are susceptible to explosion from rapid ignition of the gases emitted therefrom.

(87) Recessed heater. A completely self-contained heating unit usually recessed in a wall and located entirely above the floor of the space it is intended to heat.

(88) Remote station system. An electrical alarm system capable of automatically notifying the public or private fire departments, or other approved constantly attended location, when the system is activated.

(89) Riser. The vertical supply pipes in a sprinkler system or standpipe system.

(90) Rooming houses. The term 'rooming house' shall mean any building which is used in whole or in part as a place where sleeping accommodations are furnished for hire or other consideration, with or without board, for not more than twenty (20) guests or employees of the management, or only ten (10) or less sleeping rooms are maintained for such guests or employees. This term shall include all tourist homes, lodging homes, convents, monasteries, and other nonprofit or charitable institutions which have accommodations as aforesaid, but shall not include private dwellings which accommodate not more than four (4) habitational guests or employees, or apartment houses, hotels, or convalescent homes, nursing home, home for the aged, or boarding home, as defined in this code.

(91) Schools. A school is a building used for the gathering of six (6) or more persons for the purpose of instruction. Exceptions: Child day care centers and proprietary schools for adults, which must conform to the provisions of the Rhode Island Fire Safety Code relating to the occupancies in which they are located.

(92) Sheltered care facility for adults. A sheltered care facility for adults is any establishment, facility, place, building, agency, institution, corporation or part thereof, or a partnership whether public or private, whether organized for profit or not, used, operated, or engaged in providing lodging or board or housekeeping in a protective environment, to two (2) or more residents unrelated to the owner, excluding however, any privately operated establishment or facility licensed pursuant to chapter 17 of this title, and those facilities licensed by the department of mental health, retardation, and hospitals or any other state agency. A resident of a sheltered care

facility for adults is an individual who is an adult not requiring medical or nursing care as provided in a health care facility and who has impairments as a result of age and/or physical or mental limitations requiring lodging or board or housekeeping in a protective environment but is capable of self preservation in emergency situations. The term sheltered care facility for adults may include rooming houses or hotels which provide the above mentioned services and whose residents meet the above mentioned criteria. The term shall not include health care facility, boarding homes, group homes, or community residences as defined in this code.

(93) Skilled nursing facility. A health facility or unit thereof that provides twenty-four (24) hour inpatient skilled nursing, therapeutic or restorative care services for two (2) or more patients unrelated by blood or marriage with a rehabilitative potential or condition requiring skilled care.

(94) Smoke barrier. The term 'smoke barrier' shall mean a partition with a fire-resistance rating of not less than one-half (1/2) hour with any door openings therein equipped with a door so hung as to be reasonably smoke and gas tight when closed. Any such door shall be at least equivalent to a one and three-eighth inch (1 3/8") solid bonded core wood door. The door shall not be fastened in an open position by a device which will require more than one movement of normal strength to swing the door to a closed position. The barrier shall be located to provide ample area of refuge on each side of the partition of all occupants of the story secured by the barrier and shall extend through any dropped ceiling to the floor or roof above. The barrier may have wire-glass panels each not to exceed six square feet.

(95) Sprinklered. The term 'sprinklered' shall mean to be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standards.

(96) Stage. A partially enclosed portion of an assembly building which is designed or used for the presentation of plays, demonstrations, or other entertainment wherein scenery, drops, or other effects may be installed or used, and where the distance between the top of the proscenium opening and the ceiling of the stage is more than five feet (5').

(97) Stairway. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one floor to another. A flight of stairs, for the purposes of this article, must have at least three (3) risers.

(98) Standpipe. A wet or dry fire pipe line, extending from the lowest to the topmost story of a building or structure, equipped with a shut-off valve with hose outlets at every story.

(99) Storage building. The term 'storage building' shall mean a building or structure used, or planned for use primarily for the storage of goods, wares, and merchandise, and in which less than five (5) persons are employed in the labor of manufacturing or processing. Included, among others, shall be warehouses, storehouses, and freight depots. Buildings in this heading storing high hazard contents shall be protected as described and classified in the section so headed.

(100) Story. The term 'story' shall mean that portion of a building between a floor and the floor next above; and shall apply to the basement. The first story shall be that story which is of such height above ground level that it does not come within the definitions of a basement or shall be that story located immediately above a basement. The second story shall mean a story located immediately above the first story and upper stories shall be in numerical sequence accordingly. (See also 'Mezzanine'.)

(101) Story (First). The lowermost story entirely above the grade plane.

(102) Theatre. The term 'theatre' shall mean a building or part of a building in which more than seventy-five (75) persons may assemble in existing buildings and in which fifty (50) or more persons may assemble in new building for presentation of a theatrical stage performance or motion picture presentation.

(103) Unit heater. A factory assembled device designed to heat and circulate air. Essential components are a heat transfer element, housing, and fan with driving motor. Normally designed for free delivery of recirculated air.

(104) Vertical opening. An opening through a floor or roof.

(105) Warm air furnace. A solid, liquid, or gas fired appliance for heating air to be distributed with or without duct systems to the space to be heated.

(106) Winding stairs. The term 'winding stairs' shall mean a flight of two (2) or more steps which, in changing direction, does so by benefit of variance in the width along each tread. This term shall not include such stairs as have treads of uniform width throughout and change direction by benefit of intermediate landings or platforms.

23-28.1-6. Applicability to new or existing structures.

Unless otherwise expressly provided, all regulations contained in this code apply to all new structures. Prior to a building permit being issued, all plans for buildings regulated under this code shall be submitted to the authority having jurisdiction. The authority having jurisdiction has fifteen (15) days after submission to review and approve or disapprove the plans. When a change of use or type of occupancy is made in an existing building, the building shall conform to the requirements established by the rehabilitation building and fire code for existing buildings and structures, or if the rehabilitation building and fire code for existing buildings or structures is not applicable, to the requirements for new structures as related to the proposed use or type of occupancy.

23-28.1-7. Conformity required.

(a) No building shall be constructed for, used for, or converted to, any occupancy regulated by the code, and no addition shall be made to a building except in accordance with the applicable provisions of the code or the rehabilitation building and fire code for existing buildings and structures, as applicable. In case two (2) or more classes of occupancy occur in the same building, the most hazardous occupancy or the class of occupancy calling for the most stringent requirements for life safety under the code shall govern the classification of the entire building, unless suitable separation or other acceptable fire safety provisions are afforded by compliance with other pertinent codes.

(b) Any existing structure that is not in conformity with the provisions of this code is governed by the following:

(1) The authority having jurisdiction is authorized to give building owners a reasonable notice of fire safety code violations and establish a timetable for compliance or, in cases of practical difficulty, establish a time by which the owner must petition to the fire safety code board for a variation.

(2) The fire marshal, with the approval of the chairperson of the board of appeal and review, has the authority to summarily abate any condition which is in violation of any provision of this code and which presents immediate danger to life.

(3) All existing buildings which are deemed to be in compliance with specific provisions of the code prior to any 1978 amendment are exempt from the amendment unless there is a change of occupancy or more than fifty percent (50%) of the total valuation of the building is to be changed within a one year period or unless the rehabilitation building and fire code for existing buildings and structures is applicable. Those requirements not met prior to 1978 are subject to the latest amendment.

23-28.1-8. Maintenance of systems - Vacated buildings.

(a) Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door, and other items of equipment required by this code shall be continuously in proper operating condition.

(b) If any building covered by the provisions of this code should become vacant, all required sprinkler systems shall be maintained in operating condition during the period of time which the building is vacant. The chief of the local fire department may waive this requirement under the following conditions:

(1) The water supply to the system has been shut off and the system completely drained. The system has been inspected by the local fire department and determined to be in satisfactory condition.

(2) The system is equipped with fire department connections which will enable the local fire department to supply water to the system.

(3) The local fire department has the capability to supply adequate water to the system under emergency conditions.

23-28.1-9. Solid fuel room heaters.

Solid fuel room heaters manufactured prior to January 1, 1981 are not required to have any label that indicates that they have been tested by any laboratory (ASME labeling). Solid fuel room heaters manufactured prior to January 1, 1981 must meet installation regulations in effect at the time of manufacture.

CHAPTER 28.2

DIVISION OF FIRE SAFETY

Section

- 23-28.2-1. Establishment of division and state fire marshal.
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- 23-28.2-21. National Fire Code.
- 23-28.2-22. Fire education and training unit.
- 23-28.2-23. Fire education and training coordinating board. [Effective until January 7, 2003.]
- 23-28.2-23. Fire education and training coordinating board. [Effective January 7, 2003.]
- 23-28.2-24. Burn injury reporting law.
- 23-28.2-25. [Repealed.]
- 23-28.2-26. Plan review fees.

23-28.2-1. Establishment of division and state fire marshal.

There shall be a division of state fire marshal within the state executive department, the head of which division shall be the state fire marshal. The state fire marshal shall be appointed by the governor with the advice and consent of the senate and shall serve for a period of five (5) years. During the term the state fire marshal may be removed from office by the governor for just cause. All authority, powers, duties and responsibilities previously vested in the division of fire safety are hereby transferred to the division of state fire marshal.

23-28.2-2. Qualifications of state fire marshal.

Minimum qualifications are five (5) years experience in fire prevention, fire investigation, or fire protection, or a degree in fire protection engineering from a credited college plus three (3) years experience in fire prevention, fire investigation, or fire protection.

23-28.2-3. Removal of state fire marshal.

The state fire marshal may be removed by the governor only for cause, and after filing of charges, and a notification thereof to the state fire marshal, a hearing thereon before the state personnel appeal board, and the filing of findings by the board.

23-28.2-4. Duties and responsibilities of state fire marshal.

The state fire marshal shall have the authority to enforce and perform the duties required by the Fire Safety Code, chapters 28.1 - 28.39 of this title, and all other provisions of the general laws and public laws insofar as such powers and duties relate to fires, fire prevention, fire protection, fire inspection, and fire investigation. It shall also be the duty of the state fire marshal to enforce all laws of this state in regard to:

- (1) The keeping, storage, use, manufacture, sale, handling, transportation, or other disposition of explosives and inflammable materials.
- (2) Conducting and supervising fire safety inspections of all buildings regulated by the code within the state.
- (3) It shall be the duty of the state fire marshal and his or her deputies to certify to any state or federal agency whether or not any building covered satisfies the requirements of chapters 28.1 - 28.39 of this title.

23-28.2-5. Bomb disposal unit.

- (a) Within the division, there shall be a bomb disposal unit whose duties will be to assist local fire and police authorities in the proper methods of handling and disposition of all hazardous devices suspected to be explosive or incendiary in construction.
- (b) The state fire marshal shall appoint an explosives technician to supervise the operations of this unit and the technician must be trained in the field of explosives.
- (c) The marshal shall appoint from local communities volunteer assistant deputy state fire marshals to assist in carrying on the responsibilities of this unit. The volunteers shall be approved by the local fire or police chief, and must be properly trained under the supervision of the explosives technician.

23-28.2-6. Additional powers and duties of fire marshal.

In carrying out the purposes of this chapter, the state fire marshal is authorized and directed:

- (1) To procure in his or her discretion as many deputy state fire marshals and assistant deputy state fire marshals as needed, and the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when the services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;
- (2) To enter into agreements for the utilization of the facilities and services of the division of occupational safety, or its successors, to the extent that he or she considers it desirable to effectuate the purposes of this chapter, and to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;
- (3) To accept on behalf of the state and to deposit with the general treasurer any grant, gift, or contribution made to assist in meeting the cost of carrying out the purposes of this code, and to expend the same for such purposes;
- (4) To supervise or conduct any fire safety inspections required by any other state or federal agencies;

(5) To formulate, coordinate, implement, or cause implementation of, appropriate education and training programs relating to fire fighting training, fire prevention, fire protection, fire inspection, and fire investigation.

23-28.2-7. Office of state fire marshal.

The state fire marshal shall be provided adequate offices by the director of administration.

23-28.2-8. Clerical assistance and office supplies.

The state fire marshal may incur such expenses for deputy state fire marshals, clerical assistance, and office supplies as may be necessary.

23-28.2-9. Nonsalaried assistant deputy state fire marshals.

(a) The fire marshal may appoint as many nonsalaried assistant deputy state fire marshals as he or she may deem necessary to carry out the purposes of chapters 28.1 - 28.39 of this title; the assistant deputy fire marshals shall serve at the pleasure of the state fire marshal.

(b) The chief of the fire department of the several cities, towns, and fire districts may be an assistant deputy fire marshal subject to the approval of the state fire marshal, and may continue to serve as an assistant deputy fire marshal as long as he or she is fire chief.

23-28.2-10. Reports of fires.

(a) Every fire occurring in this state shall be reported in writing to the state fire marshal's office within the first ten (10) days of the month following the month in which the fire occurred by the nonsalaried assistant deputy state fire marshals as may be designated for that purpose. The report shall be in the form prescribed by the state fire marshal and shall contain a statement of all facts relating to the cause and origin of the fire that can be ascertained, the extent of damage caused thereby, and the amount of insurance upon the property, and such other information as the state fire marshal may require.

(b) Every insurance company, adjusting a fire loss wherein the damage exceeds one thousand dollars (\$1,000) or where the cause is determined to be or suspected of being incendiary, shall forward immediately to the fire department, providing protection for the area in which the fire occurred, a report of the fire on a form prescribed by the state fire marshal.

23-28.2-11. Investigation of fires and attempted fires.

(a) The state fire marshal, and/or any of the deputy state fire marshals or assistant state fire marshals, may investigate any fire or apparently attempted fire, and shall investigate the cause, origin, and circumstances of every fire of suspicious origin, by which property has been damaged or destroyed, or apparently attempted fire, and any fire where a fatality occurs as the result of the fire and so far as it is possible determine the cause of the fire. The investigation shall begin immediately after the occurrence of the fire, and local government officials shall cooperate completely and assist the state fire marshal's office in all phases of the investigation.

(b) It shall be the responsibility of the local authority having jurisdiction to notify the state fire marshal's office of any fire of suspicious or incendiary origin or where death may have resulted from the fire. The fire marshal shall adopt notification procedures.

23-28.2-12. Witnesses in investigations.

For the purpose of the investigation, the state fire marshal and/or the deputy state fire marshals may issue warrants for and compel the attendance of witnesses before them as if the witnesses had been summoned on the part of the state to attend court in criminal cases. The testimony of all witnesses examined in the investigation shall be given under oath and reduced to writing by the fire marshal, or by some other person by direction of the fire marshal, and shall be subscribed by the witnesses. Every person examined in the investigation, who shall willfully swear or affirm falsely in regard to any matter or thing respecting which oath or affirmation is required, shall be guilty of perjury. Upon the presentation of satisfactory proof of due service of the summons upon the witness, and of a failure by the witness to obey the summons, to any justice of a district court or officer authorized to issue warrants under the laws of the state, the justice or officer shall issue a warrant to bring the witness before the fire marshal to testify what the witness may know in relation to the subject matter of inquiry. The warrant may be executed by any officer authorized by law to serve a warrant by arresting and bringing the witness before the state fire marshal or the deputy state fire marshal.

23-28.2-13. Reports of investigations.

If upon investigation, the fire marshal believes that the evidence is sufficient to charge any person with the commission of any offense, the fire marshal shall report that belief to the attorney general. The fire marshal shall make a report of the investigation and belief in writing and the report shall be filed in the office of the state fire marshal within ten (10) days after the making thereof.

23-28.2-14. Enforcement.

Within the division, there shall be an enforcement unit responsible for the initiation of criminal prosecution of any person(s) in violation of the state Fire Safety Code, chapters 28.1 - 28.39 of this title, and/or the general public laws of the state as they relate to fires, fire prevention, fire inspections, and fire investigations. This unit will consist of the state fire marshal, chief deputy state fire marshal, chief of technical services, explosive technician, assistant explosive technicians, and the arson investigative staff, each of whom must satisfactorily complete at the Rhode Island state police training academy an appropriate course of training in law enforcement or must have previously completed a comparable course. To fulfill their responsibilities, this unit shall have and may exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police officers, and constables.

23-28.2-15. Assistance by attorney general - Prosecution of violations.

The attorney general, upon request of the state fire marshal, shall assist upon any investigation of any fire which, in the opinion of the state fire marshal, is of suspicious origin, and shall institute and conduct all prosecutions of persons charged with arson, burning to defraud, crimes incident to incendiary fires, and violations of the provision of the Fire Safety Code, chapters 28.1 through 28.39 of this title.

23-28.2-16. Fire records kept by the state fire marshal.

The state fire marshal shall keep in his or her office a record of all fires investigated by his or her office and of all the facts concerning the investigated fires, and all reports of the investigations as the fire marshal may cause to be made, including statistics as to the extent of the fires and damage caused thereby, and whether the losses were covered by insurance, and, if so, in what

amount. The record shall be made from the reports made to the fire marshal by his or her deputies under the provisions of this chapter.

23-28.2-17. Relief from responsibility.

The state fire marshal, his or her deputies, and assistants, charged with the enforcement of the Fire Safety Code, chapters 28.1 through 28.39 of this title, shall not render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him or her in the lawful discharge of his or her duties, and under the provisions of the Fire Safety Code, shall be defended by the legal representative of the state until the final termination of the proceedings. In no case shall the fire marshal, his or her deputies, or assistants, be liable for costs in any action, suit, or proceedings that may be instituted in pursuance of the provisions of the Fire Safety Code, and any fire marshal, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his or her official duties in connection therewith.

23-28.2-18. Administrative procedures.

The state fire marshal shall have the authority to formulate administrative procedures necessary to uniformly administer and enforce this code; provided, that the procedures do not conflict with the rules and regulations promulgated by the fire safety code board.

23-28.2-19. Municipal cooperation.

The assistance and cooperation of police, fire, building inspectors, and all other municipal officials shall be available to the authority having jurisdiction in the performance of its duties.

23-28.2-20. Right of entry.

In the discharge of its duties, the authority having jurisdiction shall have the authority to enter at any reasonable hour, any building, structure, or premises in the state to enforce the provisions of the Fire Safety Code, chapters 28.1 - 28.39 of this title. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure, operation, or premise where inspection authorized by this code is sought, the authority having jurisdiction may:

- (1) Seek in a court of competent jurisdiction a search warrant so as to apprise the owner, occupant, or other person concerning the nature of the inspection and justification for it, and may seek the assistance of police authorities in presenting the warrant; and/or
- (2) Revoke or suspend any license, permit, or other permission regulated under this code where inspection of the structures, operation or premises, is sought to determine compliance with this code.

23-28.2-21. National Fire Code.

Except wherever herein specifically defined or covered in this code, the provisions of the N.F.P.A. Standards included in the National Fire Code, 1990 edition, shall be used by the authority having jurisdiction as the accepted standard with regard to fire safety regarding any unforeseen condition.

23-28.2-22. Fire education and training unit.

(a) There shall be a fire education and training unit within the division of fire safety headed by a director of fire training. The director of fire training shall be appointed by the fire marshal from a list of names submitted by the fire education and training coordinating board based on recommendations of a screening committee of that board. Other staff and resources, such as part time instructors, shall be requested consistent with the state budget process.

(b) This unit shall be responsible for implementing fire education and training programs developed by the fire education and training coordinating board.

23-28.2-23. Fire education and training coordinating board. [Effective until January 7, 2003.]

(a) There is hereby created within the division of fire safety a fire education and training coordinating board. The governor shall appoint one representative from each of the following groups to serve on the board:

(1) Chiefs of fire departments with predominately fully paid personnel, defined as departments in which the vast majority of members are full-time, salaried personnel.

(2) Chiefs of fire departments with part paid/combination personnel, defined as departments in which members consist of both full-time salaried personnel and a large percentage of volunteer or call personnel.

(3) Chiefs of fire departments with predominately volunteer personnel, defined as departments in which the vast majority of members respond voluntarily and receive little or no compensation.

(4) Rhode Island firefighters' instructor's association.

(5) Rhode Island department of environmental management.

(6) Rhode Island fire safety association.

(7) Rhode Island state firefighter's league.

(b) The governor shall also appoint three (3) members from the Rhode Island association of fire fighters and two (2) members from regional firefighter's leagues.

(c) The senate majority leader and the speaker of the house shall each appoint one member.

(d) The state fire marshal and the chief of training and education shall serve as ex-officio members.

(e) Members shall be appointed for terms of three (3) years, except that the terms of the first appointments shall be one year for approximately one-third (1/3) of the members, two (2) years for approximately one-third (1/3) of the members, and three (3) years for approximately one-third (1/3) of the members. The governor shall determine which members will fall into the one, two (2), and three (3) categories when making initial appointments. No person shall serve more than two (2) consecutive terms, except that service on the board for a term of less than two (2) years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not constitute a full term. Members shall hold office until a successor is appointed, and no member shall serve beyond the time he or she ceases to hold office or employment by reason of which he or she was eligible for appointment.

(f) Members shall serve without compensation, but shall receive travel expenses in the same amount per mile approved for state employees.

(g) The commission shall meet at the call of the chairperson or upon written petition of a majority of the members, but not less than six (6) times per year.

(h) Staff support to the commission beyond that which can be provided by the state fire marshal shall be provided by the governor's justice commission.

(i) The board shall:

- (1) Establish bylaws to govern operational procedures not addressed by legislation.
- (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be established by the board.
- (3) Develop and offer training programs for fire fighters and fire officers based on applicable NFPA standards used to produce training and education courses.
- (4) Develop and offer a state certification programs for instructors based on NFPA standards.
- (5) Monitor and evaluate all programs to determine their effectiveness.
- (6) Establish a fee structure in an amount necessary to cover costs of implementing the programs.
- (j) In addition to any sums appropriated for the operation of the fire education and training unit within the division of fire safety there is hereby appropriated an additional sum of forty-two thousand five hundred dollars (\$42,500).
- (k) In an effort to prevent potential conflicts of interest, any fire education and training coordinating board member shall not simultaneously serve as a paid instructor and/or administrator within the fire education and training unit.
- (l) A quorum for conducting all business before the board, shall be at least seven (7) members.

23-28.2-23. Fire education and training coordinating board. [Effective January 7, 2003.]

- (a) There is hereby created within the division of fire safety a fire education and training coordinating board. The governor shall appoint one representative from each of the following groups to serve on the board:
 - (1) Chiefs of fire departments with predominately fully paid personnel, defined as departments in which the vast majority of members are full-time, salaried personnel.
 - (2) Chiefs of fire departments with part paid/combination personnel, defined as departments in which members consist of both full-time salaried personnel and a large percentage of volunteer or call personnel.
 - (3) Chiefs of fire departments with predominately volunteer personnel, defined as departments in which the vast majority of members respond voluntarily and receive little or no compensation.
 - (4) Rhode Island firefighters' instructor's association.
 - (5) Rhode Island department of environmental management.
 - (6) Rhode Island fire safety association.
 - (7) Rhode Island state firefighter's league.
- (b) The governor shall also appoint three (3) members from the Rhode Island association of fire fighters and two (2) members from regional firefighter's leagues.
- (c) The president of the senate and the speaker of the house shall each appoint one member.
- (d) The state fire marshal and the chief of training and education shall serve as ex-officio members.
- (e) Members shall be appointed for terms of three (3) years, except that the terms of the first appointments shall be one year for approximately one-third (1/3) of the members, two (2) years for approximately one-third (1/3) of the members, and three (3) years for approximately one-third (1/3) of the members. The governor shall determine which members will fall into the one, two (2), and three (3) categories when making initial appointments. No person shall serve more than two (2) consecutive terms, except that service on the board for a term of less than two (2) years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not constitute a full term. Members shall hold office until a successor is appointed, and no member shall serve beyond the time he or she ceases to hold office or employment by reason of which he or she was eligible for appointment.

- (f) Members shall serve without compensation, but shall receive travel expenses in the same amount per mile approved for state employees.
- (g) The commission shall meet at the call of the chairperson or upon written petition of a majority of the members, but not less than six (6) times per year.
- (h) Staff support to the commission beyond that which can be provided by the state fire marshal shall be provided by the governor's justice commission.
- (i) The board shall:
 - (1) Establish bylaws to govern operational procedures not addressed by legislation.
 - (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be established by the board.
 - (3) Develop and offer training programs for fire fighters and fire officers based on applicable NFPA standards used to produce training and education courses.
 - (4) Develop and offer a state certification programs for instructors based on NFPA standards.
 - (5) Monitor and evaluate all programs to determine their effectiveness.
 - (6) Establish a fee structure in an amount necessary to cover costs of implementing the programs.
- (j) In addition to any sums appropriated for the operation of the fire education and training unit within the division of fire safety there is hereby appropriated an additional sum of forty-two thousand five hundred dollars (\$42,500).
- (k) In an effort to prevent potential conflicts of interest, any fire education and training coordinating board member shall not simultaneously serve as a paid instructor and/or administrator within the fire education and training unit.
- (l) A quorum for conducting all business before the board, shall be at least seven (7) members.

23-28.2-24. Burn injury reporting law.

- (a) Every case of a burn injury or wound, where the victim sustained second or third degree burns to five percent (5%) or more of the body and/or any burns to the upper-respiratory tract or laryngeal edema due to the inhalation of super-heated air, and every case of a burn injury or wound which is likely to or may result in death, shall be reported at once to the office of the state fire marshal. The state fire marshal shall accept the report and notify the proper investigatory agency. A written report shall also be provided to the office of the state fire marshal within ten (10) days after a request from that office. The report shall be made by (1) the physician attending or treating the case; or (2) the manager, superintendent or other person in charge, whenever the case is treated in a hospital, sanitarium, institution, or other medical facility.
- (b) Whoever violates any provision of this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100).

23-28.2-26. Plan review fees.

- (a) Every request for plan review, by the state fire marshal's office, under the provisions of the Fire Safety Code shall be accompanied by the fee prescribed in this section. Plan review fees shall be as follows:

NEW BUILDING, ADDITIONS, ALTERATION, STRUCTURES, ETC.

General permit fees based on cost of construction

\$500 or less	\$25.00
Over \$500 but not over \$1,000	\$35.00

Over \$1,000 but not over \$2,000	\$45.00
Over \$2,000 but not over \$500,000	\$45.00+
(plus \$6.00 per \$1,000 or fraction thereof over \$2,000)	
Over \$500,000	\$3,033.00+
(plus \$4.00 per \$1,000 or fraction thereof over \$500,000)	

(b) All fees collected pursuant to this section shall be deposited as general revenue.

CHAPTER 28.3

FIRE SAFETY CODE BOARD OF APPEAL AND REVIEW

Section.

23-28.3-1. Definitions.

23-28.3-2. Fire safety code board of appeal and review - Composition - Appointment, terms, and removal of members.

23-28.3-3. Rules and regulations.

23-28.3-3.1. Rules and regulations, rehabilitation of existing buildings and structures.

23-28.3-4. Compensation of board members.

23-28.3-5. Assistance to building owners - Petition for variations.

23-28.3-6. Review of refusal of variation - Review of final order.

23-28.3-7. Judicial review of code provisions.

23-28.3-8. Notice of judicial review - Civil rules applicable.

23-28.3-9. Violations of chapter or codes.

23-28.3-10. Other fire safety laws unimpaired.

23-28.3-11. Relief from responsibility.

23-28.3-1. Definitions.

When used in this chapter:

(1) 'Amendment' means any modification or change in the code that shall be formulated, adopted, and issued by the board;

(2) 'Board' means the fire safety code board created by this chapter;

(3) 'Building' includes new and existing buildings and facilities, except private dwellings occupied by one, two (2), or three (3) families, in the various cities and towns in this state;

(4) 'Code' means the minimum standard body of rules for fire safety known as the Fire Safety Code, chapters 28.1 - 28.39 of this title, or the rehabilitation building and fire code for existing buildings and structures, chapter 29.1 of this title;

(5) 'Variation' means a special limited modification or change in the code which is applicable only to a particular type of building or facility upon the petition of the person owning the building or facility. All variances shall be in keeping with recognized national standards.

23-28.3-2. Fire safety code board of appeal and review - Composition - Appointment, terms, and removal of members.

(a) There is hereby created a fire safety code board of appeal and review, consisting of eleven (11) members who shall be appointed by the governor with the advice and consent of the senate. Of the members of the board of appeal and review, one shall be a representative of the permanent fire chief, one shall be a representative of the building inspectors, one shall represent industry, one shall represent labor, one shall be a licensed architect, one shall be a licensed professional engineer, one shall be a representative of the fire protection industry, one shall be a representative of the volunteer fire chiefs, and three (3) shall be representatives of the public. The governor shall designate one member of the board to be chairperson for a two (2) year term. The members of the board shall be chosen and shall hold office for six (6) years, and until their respective successors are appointed and qualified. In the month of February in each year, the governor shall appoint successors to the members of the board whose terms shall expire in that

year, to hold office until the first day of March in the sixth year after their appointments, and until their respective successors are appointed and qualified. Any vacancy which may occur in the board shall be filled by appointment for the remainder of the unexpired term in the same manner as the original appointment. The members of the board at their first annual meeting shall elect such other officers as they may deem necessary. A member of the board may be removed by the governor only for cause and after filing of charges, notification thereof to the member, a hearing thereon before the state personnel appeal board, and the filing of findings by the board.

(b) The actions on appeals shall be determined by a majority vote by members present with at least five (5) members in accord on any decision.

(c) The chairperson of the board may appoint such subordinates and clerical and other assistants as may be necessary for the proper performance of its duties, within the limit of available appropriations therefore, all of which appointments shall be in the unclassified service; provided, however, that the chairperson of the board, subject to the provisions of chapter 4 of title 36, shall be the appointing authority for the executive director, who shall be in the classified service.

23-28.3-3. Rules and regulations.

(a) The state fire safety code board has the power to promulgate, amend, and repeal rules and regulations to safeguard life and property from the hazards of fire and explosives consistent with the provisions of the Fire Safety Code, chapters 28.1 through 28.39 of this title, and consistent with the rehabilitation building and fire code for existing buildings and structures, chapter 29.1 of this title. The regulations, amendments, or repeals shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection. The rules and regulations promulgated by the board, which are known as the state Fire Safety Code, are in effect in all the cities, towns, counties, and political subdivisions in the state. Whenever the provisions of any other statute or local regulation are more stringent or impose higher standards than the state fire safety code, that statute or local regulations will govern, unless it is not consistent with the state code or contrary to recognized standards or good engineering practices. The board determines the relative priority of the regulations.

(b) Prior to the promulgation, amendment, or repeal of any regulation, the state fire safety code board shall hold a public hearing on the proposed changes, amendments, notice of which hearing shall be published fifteen (15) days before the date of the hearing in a newspaper or newspapers of general circulation throughout the state. A copy of the notice shall be sent at the same time to every city and town clerk and every person, firm, or corporation who shall have registered with the state fire safety code board a request to be so notified. The notice shall contain the time and place of hearing, subjects to be discussed, and shall specify the place and time at which the proposed regulation, amendment, or repeal may be examined.

(c) For the purpose of any public hearing under this chapter, the state fire safety code board has the power to summon witnesses and administer oaths for the purpose of giving testimony.

(d) The board shall provide for reasonable interpretation of the provisions of this code, and rule on appeals from decisions of the fire marshal.

23-28.3-3.1. Rules and regulations, rehabilitation of existing buildings and structures.

The state fire safety code board has the power to adopt, promulgate, amend, and repeal the fire safety code elements of the rehabilitation building and fire code for existing buildings and structures, which shall be administered as a sub-code of the fire safety code and shall supercede other codes and regulations pertaining to the rehabilitation and change of use of existing

buildings and structures, unless the provisions of those other codes and regulations are not inconsistent with the provisions of the rehabilitation building and fire code for existing buildings and structures.

23-28.3-4. Compensation of board members.

- (a) The members of the board shall be compensated, as of July 1, 1978, at a rate of fifty dollars (\$50.00) per meeting, plus their reasonable expenses; and the chairperson of the board shall be compensated at the rate of seventy-five dollars (\$75.00) per meeting.
- (b) In no event shall the fire safety code board expend more than fifty-seven thousand five hundred dollars (\$57,500) for compensation and expenses of board members.

23-28.3-5. Assistance to building owners - Petition for variations.

- (a) Any building owner may consult with the authority having jurisdiction for advice and assistance in complying with the provisions of the fire safety code adopted pursuant to chapters 28.1 - 28.39 and chapter 29.1 of this title, or any amendments to those codes or any codes adopted under them. In case of practical difficulties, the authority having jurisdiction shall refer all requests for variations from particular provisions of the fire safety code adopted pursuant to chapters 28.1 to 28.39 of this title or any code adopted under them to the fire safety code board. All requests for variations from the particular provisions of the fire safety code adopted pursuant to chapter 29.1 of this title shall be referred to the joint committee pursuant to the provisions of § 23-29.1-4. The petitioner shall set forth in his or her petition to the board the grounds or reasons for requesting the variations.
- (b) The board shall fix a day for hearing on the petition and shall give reasonable notice of the hearing to the petitioner and the property owners within two hundred feet (200') of the petitioner's building or structure when, in the board's discretion, it may have an adverse effect on neighboring properties. A properly indexed record of all variations made shall be kept in the office of the state fire marshal and shall be open to public inspection. Any building owner may file a petition for a variance to the board by registered mail, and a hearing date shall be set by the board within thirty (30) days of filing a completed application including a filing fee, established in accordance with the following fee schedule:

(1) Petitions related to existing covered occupancies, not involving construction, alteration, and/or renovation \$100 filing fee.

(2) Petitions related to construction, alteration, renovation, and/or conversion or other buildings and structures:

- | | |
|---|--------------------|
| (i) not more than 8,000 square feet | \$100 filing fee |
| (ii) more than 8,000 square feet but not more than 25,000 square feet | \$300 filing fee |
| (iii) more than 25,000 square feet but not more than 50,000 square feet | \$500 filing fee |
| (iv) more than 50,000 square feet | \$1,000 filing fee |

(3) Petitions related to maintenance or use of buildings or materials and any petition not otherwise provided for above \$100 filing fee.

(4) The term 'square feet', as used in this chapter, is the total floor space and/or storage capacity of the subject building or structure, as determined and certified by the state fire marshal or his or

her designee, subject to review by the board. The board chairperson may delegate a subcommittee of the board to conduct a hearing and take testimony from the petitioner. The subcommittee shall make recommendations to the board as to their findings, and a decision shall be rendered within ten (10) days of the subcommittee's report. If the petitioner is aggrieved by the subcommittee's recommendations, the petitioner has the right of hearing before the entire board within thirty (30) days of the rendered decision.

(c) The application filing fee income shall be deposited as general revenue.

23-28.3-6. Review of refusal of variation - Review of final order.

Any building owner aggrieved by any decision of the board refusing to grant a variation pursuant to the provisions of § 23-28.3-5 may, within thirty (30) days after the decision, commence an action in the sixth division of the district court against the state fire marshal for a review of the decision. The findings of the board shall be conclusive unless clearly erroneous. A party aggrieved by a final order of the court may seek review thereof in the supreme court by petition for writ of certiorari in accordance with the procedures contained in § 42-35-16.

23-28.3-7. Judicial review of code provisions.

Any person aggrieved by the enforcement against him or her of the Fire Safety Code, chapters 28.1 - 28.39 of this title, any safety code adopted under this chapter, or any amendments thereof may, after its effective date, commence an action in the superior court for the county in which the building involved is located against the state fire marshal to set aside the code or codes or portion or portions thereof on the ground that it is unlawful or unreasonable. The court may set aside the code or codes or portion or portions thereof if, upon all the evidence, it appears to the court that the code or codes or portion thereof is unlawful or unreasonable.

23-28.3-8. Notice of judicial review - Civil rules applicable.

In any proceedings under §§ 23-28.3-6 and 23-28.3-7, the court shall order notice to be given to the board and to the state fire marshal in such manner as it shall determine. The proceeding and the pleadings therein shall be governed by the laws and rules of practice applicable to other civil actions in the court.

23-28.3-9. Violations of chapter or codes.

Any building owner or lessee who violates or fails or refuses to comply with the provisions of this chapter, the Fire Safety Code, chapters 28.1 - 28.39 of this title, or any code adopted by the board, or any lawful order of the authority having jurisdiction shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500) or shall be imprisoned for not exceeding six (6) months, or both so fined and imprisoned for each offense; and each day the violation, omission, failure, or refusal continues shall be deemed a separate offense; provided, that any person who shall knowingly make, give, or produce any false statements or false evidence, under oath, to the authority having jurisdiction or to the fire safety board, shall be guilty of perjury. It shall be the duty of the authority having jurisdiction to enforce the provisions of this chapter.

23-28.3-10. Other fire safety laws unimpaired.

Nothing in this chapter shall be construed to repeal or limit or restrict in any way any present state law, statute, regulation, or order governing the reasonable minimum requirements for fire

safety in new and existing buildings and facilities, except where the state law, statute, regulation, or order is inconsistent with the provisions of this chapter.

23-28.3-11. Relief from responsibility.

The commissioners and employees of the Fire Safety Code board of appeal and review shall not render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any commissioner or employee of the Fire Safety Code board of appeal and review because of an act performed by him or her in the lawful discharge of his or her duties, and under the provisions of the Fire Safety Code, shall be defended by the legal representative of the state until the final termination of the proceedings. In no case shall the commissioners or employees be liable for costs in any action, suit, or proceedings that may be instituted in pursuance of the provisions of the Fire Safety Code, and any commissioner or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his or her official duties in connection therewith.

CHAPTER 28.4

SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS

Section.

- 23-28.4-1. Definitions.
- 23-28.4-2. Scope and purpose.
- 23-28.4-3. Applicability.
- 23-28.4-4. General requirements.
- 23-28.4-5. Implementation plan.
- 23-28.4-6. Exemptions.
- 23-28.4-6.1. Notice of pesticide and asbestos operations.
- 23-28.4-7. Responsibility for enforcement.

23-28.4-1. Definitions.

The following terms when used in this chapter shall have the meanings herein ascribed:

- (1) Employee means a person involved in performing the duties and responsibilities of a fire department, under the auspices of the organization. A fire department employee may be a full-time, or part-time, or volunteer employee, may occupy any position or rank within the fire department, and may or may not engage in emergency operations.
- (2) Employer means any person who has one or more employees, but does not include the United States. A fire district shall be considered an employer.
- (3) Fire department means an organization providing rescue, fire suppression, and related activities.
- (4) NFPA means national fire protection association.
- (5) Provide means to furnish, supply, or to make arrangements for full monetary reimbursement.

23-28.4-2. Scope and purpose.

This chapter establishes minimum requirements for a safety and health program for a fire department or any type of organization providing similar services. This chapter is not intended to supersede any more stringent requirements in effect at any fire department in the state. Fire departments are encouraged to provide protection that exceeds the minimum requirements specified in this chapter.

23-28.4-3. Applicability.

The requirements of this chapter apply to public fire departments, private, or contractual type fire departments primarily performing duties normally performed by public fire departments.

23-28.4-4. General requirements.

It is the intent of this chapter to ensure that NFPA 1500: Standard on Fire Department Occupational Safety and Health Program is adopted and adhered to by all applicable fire departments in the state.

23-28.4-5. Implementation plan.

Each applicable fire department in the state shall formulate a written plan to implement the requirements of NFPA 1500 not later than one hundred twenty days (120) after July 10, 1990

which shall be updated annually and a copy shall be given to the director of labor and training to be kept on file, and a copy shall be given to the bargaining agent representing employees within the fire department. The plan shall identify each specific requirement of NFPA 1500 for which the fire department currently complies and each specific requirement for which corrective action must be initiated for compliance. The plan shall include a timetable for corrective action. The written plan shall be made available for review by any fire department employee and/or employee representative. Compliance for each specific requirement of NFPA 1500 shall be accomplished not later than three (3) years after June 9, 1988.

23-28.4-6. Exemptions.

- (a) This chapter shall not apply to volunteer fire departments.
- (b) The following NFPA 1500 chapters and sections shall not apply to this chapter:
 - (1) Chapter 3, training and educational standards;
 - (2) Chapter 8-4, fire department physicians;
 - (3) Chapter 8-5, physical fitness programs.

23-28.4-6.1. Notice of pesticide and asbestos operations.

- (a) Every state or local municipal agency and every licensed asbestos contractor under chapter 24.5 of this title, and certified commercial applicator or licensed commercial applicator under chapter 25 of this title, shall notify the local fire fighting authorities of any asbestos abatement activity or pesticide fumigation. This notice shall be in writing and shall include the address where the activity is to take place, the date and time the activity is to be conducted and the materials to be used. Further, any pesticide fumigation involving any building structure which uses any type of gas including, but not limited to, methyl bromide, phosphine, or sulfuric fluoride shall clearly display either a sign with the word 'danger' or a sign with the symbol of a skull and crossbones.
- (b) Any violation of asbestos abatement activity under the provisions of this section shall be administered by the director of the department of health in accordance with the provisions provided in chapter 24.5 of this title. Any violation of pesticide fumigation under the provisions of this section shall be administered by the director of the department of environmental management in accordance with the provisions provided in chapter 25 of this title.

23-28.4-7. Responsibility for enforcement.

The provisions of this chapter shall be enforced by the director of labor and training.

CHAPTER 28.5

INSPECTION OF BUILDINGS

Section.

23-28.5-1. Inspection of places where combustible materials accumulate.

23-28.5-2. Notice to remove combustible materials.

23-28.5-3. Penalties for violations.

23-28.5-4. Inspection of places where dangerous substances are kept.

23-28.5-5. Penalty for hindering inspection.

23-28.5-6. Appeal to superior court.

23-28.5-7. Appeal to supreme court.

23-28.5-1. Inspection of places where combustible materials accumulate.

The authority having jurisdiction is hereby authorized and empowered to inspect at any reasonable hour all buildings, structures, or other places, except buildings used wholly as dwelling houses, where any combustible material, that is or may become dangerous as a fire menace to the buildings, structures, or other places, has been allowed to accumulate, or where the authority having jurisdiction has reason to believe that the material of a combustible nature has accumulated, or is liable to accumulate, provided, that any building constructed so as to be occupied as dwellings in more than one apartment, reached by common stairs, hallways, entries, or corridors, or shall be so constructed as to be occupied in part for a dwelling or dwellings, and in part for business purposes, the stairs, hallways, entries and corridors, basement, storage areas, boiler rooms, and laundry rooms thereof used in common, shall be subject to inspection in the daytime as is provided above, and the occupant or occupants thereof shall be subject to the same duties and liabilities as are provided in the Fire Safety Code, and shall likewise be subject to the provisions of § 23-28.5-3.

23-28.5-2. Notice to remove combustible materials.

If the authority having jurisdiction, after any inspection made under the authority of § 23-28.5-1, shall in its discretion deem that the accumulation of a combustible nature increases the danger of fire to the premises where the accumulation has been permitted, or to the property adjacent thereto, the authority having jurisdiction shall give notice in writing to the occupant or occupants or one of them, of the premises where the accumulation has been permitted, to remove or cause to be removed, from the premises the material of a combustible nature, within forty-eight (48) hours after receipt by the occupant or occupants of the notice. In case the material of a combustible nature shall not be removed within forty-eight (48) hours as aforesaid, the authority having jurisdiction may cause the material to be removed from the premises, and thereupon shall cause notice in writing of the cost and expense of the removal to be given to the occupant or occupants, or one of them, and also certify the amount thereof to the city or town clerk of the city or town, and in case the cost and expense shall not be paid to the city or town treasurer within thirty (30) days after the notice, the city or town may recover the cost and expense in a civil action against the occupant or occupants.

23-28.5-3. Penalties for violations.

Any person refusing to allow inspections or hindering or obstructing the authority having jurisdiction to make an inspection, shall be fined not less than twenty-five dollars (\$25.00) nor

more than one hundred dollars (\$100), or imprisoned for not more than thirty (30) days for each offense. Any persons who shall refuse or neglect to remove the material of a combustible nature at the expiration of the forty-eight (48) hours notice provided for in § 23-28.5-2, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500), or imprisoned for not more than sixty (60) days for each offense.

23-28.5-4. Inspection of places where dangerous substances are kept.

The authority having jurisdiction is hereby authorized and empowered to inspect from time to time, at any reasonable hour, all places, except dwelling houses and the portion of any building as is occupied for dwelling purposes, where they have reason to believe that articles or substances are manufactured, stored, kept, sold, or used, which are dangerous, or under certain conditions might become dangerous, to the public safety by, through, or in case of combustion, fire, or explosion.

23-28.5-5. Penalty for hindering inspection.

Any person refusing to allow inspections, or hindering or obstructing the authority having jurisdiction authorized to make an inspection, in the making of the same, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for the offense.

23-28.5-6. Appeal to superior court.

- (a) Any person, firm, or corporation aggrieved by the decision or order of any fire official may appeal therefrom to the superior court, by filing within thirty (30) days of the order or decision, a sworn petition in the court, which shall set forth the grounds upon which the appeal is taken. Notice of the appeal shall be served on the fire official who rendered the decision or order by a citation issued out of the court following the general course of civil proceedings.
- (b) The petition shall be in order for assignment for hearing on the motion day which occurs next after fifteen (15) days from the filing of the petition.
- (c) The superior court shall proceed to hear de novo all questions of law and fact therein involved as may be presented by any party in interest, and determine the questions involved, and decide the merits of the controversy.

23-28.5-7. Appeal to Supreme Court.

- (a) Any person aggrieved by the final decree in the superior court may appeal to the supreme court on any question of law or equity decided adversely to the appellant. The appeal shall follow the general procedure prescribed by the Workers' Compensation Act, chapters 29 - 37 of title 28.
- (b) The claim of an appeal shall suspend the operation of any order or decree appealed from, but, in the case of default in taking the procedure required, the suspension shall cease, and the superior court upon motion of any party shall proceed as if no claim of appeal has been made, unless it be made to appear to the superior court that the default no longer exists.

CHAPTER 28.6 PLACES OF ASSEMBLY

Section.

- 23-28.6-1. Applicability.
- 23-28.6-2. Egress facilities required - Inspection by owner.
- 23-28.6-3. Maximum occupancy.
- 23-28.6-4. Standing conditions.
- 23-28.6-5. Admissions restricted and supervised.
- 23-28.6-6. Egress facilities required.
- 23-28.6-7. Egress passageways.
- 23-28.6-8. Vertical openings.
- 23-28.6-9. Egress doors.
- 23-28.6-10. Stairs and stairways.
- 23-28.6-11. Aisles and seating.
- 23-28.6-12. Exit signs.
- 23-28.6-13. Emergency lighting.
- 23-28.6-14. Extinguishing equipment required.
- 23-28.6-15. Decorative and acoustical material to be flame resistant.
- 23-28.6-16. Construction material.
- 23-28.6-17. Housekeeping.
- 23-28.6-18. Alarm systems.
- 23-28.6-19. [Repealed.]
- 23-28.6-20. Concerts and musical entertainment - Reserved seating required.

23-28.6-1. Applicability.

(a) The regulations contained in this chapter shall apply to all places of assembly as defined in § 23-28.1-5, except only such places as are expressly exempt in accordance with the provisions of this code.

- (1) Class A, capacity one thousand one (1001) persons or more.
- (2) Class B, capacity three hundred one (301) to one thousand (1000) persons.
- (3) Class C, capacity fifty (50) to three hundred (300) persons in new buildings.
- (4) Class C, capacity seventy-six (76) to three hundred (300) persons in existing buildings.

(b) Fire escapes and other outdoor stairways, heating, and ventilating facilities, and the use of electric wiring and appliances, shall be governed by special articles related thereto.

23-28.6-2. Egress facilities required - Inspection by owner.

(a) All places of assembly shall be provided with approved egress facilities as determined under the provisions of § 23-28.6-6.

(b) In places of assembly which have scheduled activities for recreational, educational, political, fraternal, social, or amusement purposes, the owner or management must inspect every exit from the building not more than ninety (90) minutes prior to the beginning of any meeting, concert, etc. If the inspection reveals blocked exits, the scheduled presentation must not begin until the exits are cleared and made easily accessible, assuring the safety and welfare of the patrons.

23-28.6-3. Maximum occupancy.

The occupant load permitted in any assembly building structure, or portion thereof, shall be determined by dividing the net floor area or space assigned to that use by the square feet per occupant as follows:

- (1) An assembly area of concentrated use without fixed seats such as an auditorium, gymnasium, church, chapel, dance floor, and lodge room, seven square feet (7 sq. ft.) per person.
- (2) An assembly area of less concentrated use such as conference rooms, dining room, drinking establishments, exhibit room, or lounge, fifteen square feet (15 sq. ft.) per person.
- (3) Standing room or waiting space, five (5) square feet per person; provided, that aisle area, except rear cross aisles, shall not be considered in determining the number of standing patrons allowed.

23-28.6-4. Standing conditions.

- (a) Standing patrons may be allowed in places of assembly at the rate of one person for each five square feet (5 sq. ft.) of area available for standing; provided, that aisle area, except rear cross aisles, shall not be considered in determining the number of standing patrons allowed.
- (b) The provisions in this section do not apply to churches and places of worship, wherein patrons retain their outer clothing for immediate exit, and where they are confined for a period not exceeding two (2) hours duration. Only that part of the building directly accessible to doors for hasty exit may be used in this manner.

23-28.6-5. Admissions restricted and supervised.

- (a) Admissions to all places of assembly shall be supervised by the responsible management or by the person or persons delegated with the responsibility by the management, and the responsible person shall not allow admissions in excess of the maximum occupancy as provided in § 23-28.6-3, provided, subsections (c), (d), and (e) below do not apply to churches and places of worship, wherein patrons retain their outer clothing for immediate exit, and where they are confined for a period not exceeding two (2) hours duration. Only those portions of a building used exclusively for religious worship are included in this exception.
- (b) The maximum occupancy of all areas shall be conspicuously posted by means of a sign furnished by the state fire marshal's office.
- (c) All Class A places of assembly shall have one uniformed fire fighter, and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department.
- (d) All Class B places of assembly of less concentrated use shall have a uniformed fire fighter and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department.
- (e) All Class B and C places of assembly of concentrated use shall have one uniformed fire fighter on duty when deemed necessary by the chief of the local fire department except as provided under subsection (f) of this section.
- (f) All Class B and C places of assembly of concentrated or less concentrated use being utilized for activities of unusual hazard, shall have one uniformed fire fighter, and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department.
- (g) The cost of all fire fighters on duty under subsections (c) through (f) of this section shall be borne by the management of the facility.

23-28.6-6. Egress facilities required.

- (a) Each place of assembly shall have at least two (2) approved ways of egress, from each level, remote from each other and providing the best practicable means of egress in the event fire renders one exit impassable. Additional approved egress passages distributed as uniformly as practicable to effect a rapid discharge of occupants, shall be provided on the basis of twenty-two inches (22") of unobstructed horizontal width of the egress facilities for each one hundred (100) persons, or fraction thereof, to be accommodated under conditions of possible occupancy, as determined under the provisions of subsections (b) and (c) of this section.
- (b) In determining required egress facilities in places of assembly without fixed seating, possible occupancy shall be computed at the rate of one person for each seven square feet (7 sq. ft.) of floor area within the room or combination of rooms under consideration, excluding only such stages and other permanent structures and areas as are not intended for patron occupancy. The rate to be used in places used for the consumption of food and drink shall be one person for each fifteen square feet (15 sq. ft.) of floor area.
- (c) In determining required egress facilities in places of assembly having fixed seating, possible occupancy shall be in accordance with the number of individual seats provided and at the rate of eighteen inches (18") in width for each person in bench or bleacher type seating, provided the total seating shall not exceed one person for each six square feet (6 sq. ft.) of floor area.
- (d) The entrance openings and passages to a place of assembly measured at the point of their last unobstructed width to the outside, shall be considered as approved width of egress.
- (e) Elevators, revolving doors, and window openings shall not be considered in the computation of approved egress facilities.

23-28.6-7. Egress passageways.

- (a) The distance of travel from any point within the place of assembly to an approved egress opening therefrom shall not exceed one hundred-fifty feet (150') in non-sprinklered buildings and two hundred feet (200') in sprinklered buildings.
- (b) Each egress doorway from a place of assembly shall be at the assembly floor level in new structures, and as near thereto as practicable in all existing structures.
- (c) All new doorways and connecting passageways to the outside, to be considered as means of egress, shall be at least thirty-six inches (36") in width and at least seventy-eight inches (78") in height, and of such greater width as conditions require, except that each leaf of a double or mullioned door may be not less than thirty inches (30") wide. All existing doorways and connecting passageways to the outside to be considered as means of egress, shall be at least thirty-two inches (32") in width and at least seventy-four inches (74") in height.
- (d) All approved means of egress from a place of assembly shall open directly into the open air or to an inside passageway enclosed by material with a fire-resistant rating of not less than sixty (60) minutes, or an approved interior stairway, or a combination of both, leading to the open air, provided one passageway from each place of assembly may be through an open space or lobby with ample egress openings to the outside. The enclosed passageway shall be equal in width to the most distant exit opening served thereby and increased by two-thirds ($\frac{2}{3}$) of the width of any additional exits entering thereon, the increase to be made in the direction of exit travel.
- (e) Doorways leading from a place of assembly through a room or rooms of the same tenancy may be considered as approved means of egress, provided the room or rooms lead to the outside by means of doorways, approved passageways, or stairways, or a combination of both, which are completely separate from other approved means of egress from the place of assembly. Provision shall be made for a clear and unobstructed passage through the room or rooms to the outside.

(f) Walks of ample width and safe for pedestrian travel shall be provided from each outside egress opening to a public street or a suitable area of refuge.

(g) All egress openings and passageways leading from places of assembly shall be kept free from obstructions or encumbrances or combustibles in storage, or otherwise, at all times and shall not be through a room used as a kitchen, bathroom, or for any other purpose that may obstruct free passage.

23-28.6-8. Vertical openings.

(a) (1) Every existing interior stairway constituting part of an entrance or egress passage from a place of assembly shall be enclosed or be segregated from other portions of the building by materials with a fire-resistant rating of not less than sixty (60) minutes. Where interior stairways constitute the entire means of egress, the stairways shall lead directly to the outdoors or to an enclosed passageway leading to the outdoors constructed to resist fire to the same degree. One stairway, where necessary, may be allowed to lead through an open space or lobby with ample egress openings to the outside. All other vertical openings shall be closed throughout by material with a fire resistant rating of not less than sixty (60) minutes.

(2) Exception. Stairs may be open between balconies and main assembly floors in churches or auditoriums where the travel distance, including the length of travel down the stairs, is within the limits allowed by the code.

(b) (1) All vertical openings, stairways, and passages to the outdoors, in new buildings, shall be enclosed by material with a fire-resistant rating of at least two (2) hours.

(2) Exception. Stairs may be open between balconies and main assembly floors in churches or auditoriums where the travel distance, including the length of travel down the stairs, is within the limit allowed by the code.

(3) Elevators will not be considered as approved means of egress, and all new elevator shafts shall be enclosed by non-combustible materials with a fire resistant rating of not less than two (2) hours, and existing elevators shall be enclosed by materials with a fire-resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class 'B' label one and one-half (1 1/2) hour in new elevators, and in existing elevators Class 'B' label one hour, and the doorways shall be made smoke-tight when the doors are closed.

(4) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the Rhode Island department of labor and training.

23-28.6-9. Egress doors.

(a) All egress doors opening from a place of assembly or in a passageway leading therefrom to the outside of the building shall be so hung as to open in the direction of exit travel, but this requirement shall not be construed to prohibit entrance doors swinging both inward and outward.

(b) Egress doors into stairway enclosures and all doors in side wall openings of enclosed egress passages shall be equipped with suitable self-closing doors.

(c) Doors in walls or partitions required to be fire resistive for one hour shall be 'C' label three-quarter (3/4) hour door assemblies. All doors in walls or partitions required to be fire resistive for two (2) hours shall be 'B' label one and one-half (1 1/2) hour door assemblies.

(d) All egress doors leading from a place of assembly with a possible occupancy of seventy-five (75) or more persons, and all doors in all new places of assembly shall be equipped with panic

hardware which will release when normal pressure is applied to the releasing device in the direction of exit travel. The releasing device may be a bar or panel extending not less than two-thirds ($\frac{2}{3}$) of the width of the doors and placed not less than thirty inches (30") nor more than forty-four inches (44") above the floor. Provided, however, that interior doors not required to have a fire resistance rating and without locking/latching device(s), shall not be required to have panic hardware.

23-28.6-10. Stairs and stairways.

- (a) All stairways in places of assembly and in passages leading therefrom shall have suitable handrails on both sides, except such stairs as are only three feet (3') in width, which stairs shall have one handrail.
- (b) All existing stairways in approved egress passages shall be provided with landings at least thirty inches (30") in depth between the nosing of the top or bottom stair and the next parallel partition or door. All new stairways shall have landings at least forty-four inches (44") in depth.
- (c) Winding stairs shall not be allowed in approved ways of egress.
- (d) Stair treads in approved inside egress passages in existing structures shall be not less than eight inches (8") wide, exclusive of nosing, and risers shall not exceed eight and one-half inches ($8\frac{1}{2}$ ") in height. In new buildings the stair treads shall be not less than nine and one-half inches ($9\frac{1}{2}$ ") wide, excluding the nosing, and risers shall not exceed seven and three-fourths inches ($7\frac{3}{4}$ ") in height. Treads and risers shall be of uniform width and height in each individual stairway.

23-28.6-11. Aisles and seating.

- (a) In each place of assembly where seating is provided, except where assembly is seated at tables, the seating shall be arranged in an orderly manner with ample provisions made for aisles leading to exits, and no aisle forming a part of the egress system of the place of assembly shall be obstructed or encumbered. No longitudinal aisle serving seats on one side shall be less than thirty inches (30") in width, and no aisle serving seats on both sides shall be less than thirty-six inches (36") in width and shall be increased one inch (1") for every five feet (5') of travel toward main exits according to the number of seats served thereby. Ample front, rear, or through-section cross aisles at least thirty-six inches (36") in width shall be provided where necessary for access to exit openings. Rows of seats between aisles shall have not more than fourteen (14) seats. Rows of seats opening onto an aisle at one end only shall have not more than seven (7) seats.
- (b) The spacing of rows of seats from back to back shall be not less than thirty inches (30"). There shall be a space of not less than twelve inches (12") between the back of one seat and the front of the seat immediately behind it as measured between plumb lines. In every place of public assembly used principally for the presentation of theatrical performances or exhibitions, all seats in each row shall be fastened together and secured firmly to the floor.
- (c) Tables arranged for dining or other purposes in places of assembly shall be so located in respect to exit openings, and so spaced apart, that sufficient means of access to exit openings is provided. Aisles in the direction of exits shall be at least three feet (3') in width. Suitable access to aisles shall be provided from all tables.

23-28.6-12. Exit signs.

- (a) All places of assembly and their means of egress shall be provided with exit signs in accordance with this code. Group type C specified in § 23-28.23-2 shall be required.
- (b) Exit signs shall not be required for places of assembly used exclusively for religious purposes.

23-28.6-13. Emergency lighting.

- (a) All places of assembly and their means of egress shall be provided with emergency lighting in accordance with chapter 28.24 of this title.
- (b) Emergency lighting shall not be required for places of assembly used exclusively for religious purposes with a capacity of less than three hundred (300) persons. When normal illumination is dependent upon artificial means, this exception shall not be allowed.

23-28.6-14. Extinguishing equipment required.

Places of assembly shall be provided with proper fire extinguishing equipment adequate for the area involved and suitably located. The term 'extinguishing equipment' as used in this section shall not include automatic sprinklers. As to type, location and maintenance, all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition. For all places of assembly with hood and duct cooking facilities, an approved fixed extinguishing system in accordance with N.F.P.A. Standard 96, 1987 edition, shall be provided to cover hood, duct, fry kettles, and broilers with automatic shutoffs for energy supply to these units.

23-28.6-15. Decorative and acoustical material to be flame resistant.

- (a) All combustible decorative and acoustical material including curtains, but not including floor coverings shall be rendered and maintained flame resistant in accordance with subsection (d). This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, which meet the requirements of subsection (e). Furnishings or decorations of an explosive or highly flammable character shall not be used.
- (b) No decorative material shall be in direct contact with electrical wiring or equipment of any kind, or lighted by candle or open flame or by other than indirect electrical lighting except as provided in subsection (c).
- (c) Electric Christmas or holiday lights may be used only on trees, garlands, or wreaths that are artificial, made of nonmetallic material, and are labeled flame resistant by the manufacturer and are UL or FM approved. The labels stating the UL or FM approval or flame resistance of the artificial decorations shall not be removed from them. All the lights and power supplies for the lights shall meet the following requirements:
 - (1) The electric lights that are to be used on the decorations shall be the low heat and low voltage type, and must be UL or FM approved. The electric cords supplying these lights must be UL or FM approved. The labels stating the UL or FM approvals shall not be removed from the lights or cords to be used.
 - (2) In-line fuses shall be provided for light sets.
 - (3) The circuit providing power directly to or by electric cord to the light set(s) must be properly grounded and rated at not more than fifteen (15) amps.
 - (4) Electric cords supplying the light sets shall be the grounded type and shall be of not less than fourteen (14) gauge wire.
 - (5) No electric wiring, lights or equipment shall be used on any natural tree, garland, or wreath of any kind.

(6) It shall be the responsibility of the management of the establishment to be sure that the lights are properly installed, and that the supply wires are not placed in such manner as to create an electrical or fire hazard, or to be an obstruction to occupants exiting the building.

(7) The management will be responsible for the care and condition of any lights and equipment to be used. Any repairs other than changing the bulbs is prohibited. Defective light sets and cords will be discarded.

(d) (1) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

(i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.

(ii) That the product used was applied in accordance with the manufacturer's specifications.

(iii) State the date of treatment and warranty period.

(2) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test as provided in subsection (d)(3).

(3) Match Flame Test:

(i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one-half inches (1 1/2") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length 2 7/16 inches; approximate weight twenty-nine (29) grams per hundred), applied for twelve (12) seconds.

(ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs, or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one-half inch (1/2") above the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.

(iii) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(e) Interior finish in all places of assembly shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(1) In all means of egress Class A.

(2) In all other rooms or spaces Class C.

(f) (1) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than Class C except that in sprinklered buildings all floor coverings may be Class C throughout.

(2) IN ADDITION: All floor covering referred to in N.F.P.A. Standard 253, 1984 edition and described as Class I and Class II in N.F.P.A. Standard 101, 1988 edition may be used on all floors where combustible floor coverings are allowed.

23-28.6-16. Construction material.

(a) All Class 'A' places of assembly, and other places of assembly located above the second story, shall be constructed of non-combustible material with a fire resistance rating of not less than two (2) hours.

(b) All Class 'B' places of assembly, not more than two (2) stories in height shall be constructed with material providing not less than one hour protection.

(c) All Class 'C' places of assembly not more than two (2) stories in height may be of wood construction.

23-28.6-17. Housekeeping.

All places of assembly, egress passages therefrom, and adjacent rooms and spaces not segregated from the place of assembly or passage by closed fire resistant construction, shall be kept clean and in tidy condition, and free from combustible debris. No premises shall contain storage of flammable liquids or liquefied petroleum gas, and no cooking or use of open flame or smoking shall be allowed without adequate provisions for the protection of the premises and occupants against fire.

23-28.6-18. Alarm systems.

(a) A fire alarm system as prescribed in § 23-28.25-4(a) shall be installed in all Class 'C' places of assembly.

(b) A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in all Class 'A' and 'B' places of assembly.

(c) In addition to the locations prescribed in chapter 28.25 of this title, a manual alarm station shall be installed on every stage and near any fixed lighting control panel and any projection booth.

(d) A one hundred thirty-five degrees (135°) to one hundred forty degrees (140°) F. rate of rise or fixed temperature detector shall be installed above all stage areas and below all accessible stage areas and projection booths.

23-28.6-20. Concerts and musical entertainment - Reserved seating required.

Admissions to all indoor places of assembly seating over two thousand (2000) persons wherein musical concerts are to be performed shall be by reserved seating only. No proprietor of any place of assembly, and no managers or other person or persons in charge thereof shall sell or cause to be sold non-reserved seating for the performance. Any person violating the provisions of this section shall be fined not exceeding five thousand dollars (\$5,000) for each offense.

CHAPTER 28.7 HOTELS AND MOTELS

Section.

- 23-28.7-1. Applicability.
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- 23-28.7-17. Housekeeping.
- 23-28.7-18. [Repealed.]
- 23-28.7-19 Exit charts in dormitories.

23-28.7-1. Applicability.

- (a) The regulations contained in this chapter shall apply to all motels and hotels, as defined in § 23-28.1-5, except such places as are expressly exempt in accordance with the provisions of this code.
- (b) Fire escapes and other outdoor stairways, heating, cooking, and ventilating facilities, and the use of electric wiring and appliances shall be covered by special articles related thereto.

23-28.7-2. Egress facilities required.

- (a) All hotels shall be provided with approved egress facilities as required under the provisions of this code.
- (b) No less than two (2) approved means of egress shall be provided from every story of every building, and shall be located remote from each other, providing the best practicable means of egress for all guests in the event fire renders one exit impassable.
- (c) Exits from each floor shall be so arranged that it will not be necessary to travel more than one hundred feet (100') from the door of any guest room, or from any point in a building or section not divided into rooms, to reach the nearest approved means of egress from that story. In buildings which are sprinklered, this distance may be one hundred fifty feet (150').

23-28.7-3. Egress passageways.

- (a) Access to all interior and outside stairways, to fire escapes, and other exits considered as approved means of egress shall be unobstructed and shall not be through a room used as a

bedroom, bathroom, or kitchen, or for any other purpose that may obstruct free passage, nor shall access be veiled from open view by ornamentation, curtains, or other appurtenances.

(b) All corridors and passageways in new buildings considered as approved means of egress, shall be at least sixty inches (60") in width and eighty-four inches (84") in height, and of such greater width as conditions require. All corridors and passageways now existing shall be at least thirty-two inches (32") in width and at least seventy-four inches (74") in height in order to be considered as approved means of egress.

(c) All doorways which are of themselves, or are a part of, approved means of egress, shall be at floor level in new structures, and as near thereto as practicable in existing structures. Windows shall not be considered as approved means of egress.

(d) Passageways from inside stairways to the outside shall have the same fire resistant quality as required of the connecting stairways in accordance with subsection (a) of § 23-28.7-5 and § 23-28.7-7(b).

(e) All approved egress passageways shall at all times provide free, unobstructed, and safe passage to the street or to a ground area of refuge.

23-28.7-4. Transoms prohibited.

Transoms and other openings in corridors or passageways shall not be allowed. Existing transoms and like openings in corridors and passageways shall be permanently sealed and made fire-resistant with materials of a sixty (60) minute fire rating. All opening devices shall be removed.

23-28.7-5. Stairways and other vertical openings.

(a) Every existing interior stairway constituting approved egress passage from any story of a hotel shall be enclosed or be segregated from other portions of the building by material with a fire-resistant rating of not less than sixty (60) minutes. Partitioning at floor levels with materials of the same rating effecting a closure of the stairway opening between floors, shall constitute a proper enclosure in the building; provided, that the basement and other stories below are segregated from the first story in the same manner; provided further, that the partitioning and segregation shall not be required in sprinklered, noncombustible buildings connecting three (3) adjacent stories; and provided, that partitions or segregation shall not be required for a flight of stairs connecting two (2) adjacent stories in a noncombustible building which is not sprinklered. At least one stairway, and additional stairways where necessary, shall lead directly to the outdoors or to an enclosed passageway leading to the outdoors, constructed to resist fire to the same degree. One stairway, where necessary, may be allowed to lead through an open space or lobby with ample egress openings to the outside. Corridors leading to sleeping quarters shall be separated by fire doors. All other vertical openings throughout the buildings shall be closed by material with a fire-resistant rating of not less than sixty (60) minutes. (See subsection b of § 23-28.7-7 for new construction requirements.)

(b) (1) Elevators will not be considered as approved means of egress, and all new elevator and dumbwaiter shafts shall be enclosed by noncombustible materials with a fire resistant rating of not less than two (2) hours, existing elevators shall be enclosed by noncombustible materials with a fire resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class B label one and one half (1 1/2) hour in new elevators,

and in existing elevators Class B, label one hour, and the doorways shall be made smoke-tight when doors are closed.

(2) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the department of labor and training.

(c) All stairways in approved egress passages shall have suitable handrails on both sides, except such stairs as are less than three feet (3') in width, which stairs shall have one handrail.

(d) Stairways in approved egress passages in existing hotels shall be not less than thirty-two inches (32") in width and not less than seventy-four inches (74") in height and in new buildings, additions to existing buildings, or buildings hereafter converted for the purpose of a hotel, the stairways shall be not less than forty-four inches (44") in width and not less than ninety-six inches (96") in height.

(e) Existing stairways in approved egress passages shall be provided with landings at least thirty inches (30") in depth between the nosing of the top or bottom stair, and the next parallel partition or door. New stairways shall have the landings at least forty-four inches (44") in depth.

(f) Stair treads in approved inside egress passages in existing structures shall be not less than eight inches (8") wide, exclusive of nosing, and risers shall not exceed eight and one-half inches (8 1/2") in height. In new buildings the stair treads shall be not less than nine and one-half inches (9 1/2") wide, and risers shall not exceed seven and three-fourths inches (7 3/4") in height. In all new construction, stairway nosing shall not be allowed. Treads and risers shall be of uniform width and height in each individual stairway.

23-28.7-6. Egress doors.

(a) Doors in approved egress passages into stairways and to the outside shall be so hung as to open in the direction of exit travel, but this requirement shall not be construed to prohibit ground floor entrance doors swinging both inward and outward. The doors shall not be so hung as to obstruct egress passage.

(b) Doors into required stairway enclosures, all doors serving other vertical openings, and doors in side wall openings in enclosed egress passages, except doors to the outside, shall be equipped with suitable self-closing devices, maintained in operating condition. The doors shall not be equipped with devices intended for holding the doors in an open position, and they shall not be otherwise so held. All doors herein referred to shall be Class B label, one and one-half (1 1/2) hours.

(c) Doors and jambs in walls or partitions required to be fire-resistant shall be equally fire-resistant, and shall be constructed and maintained close fitting and reasonably smoke-tight.

(d) Doors in a partition required to be fire-resistant shall in new construction contain Class B label one and one-half (1 1/2) hour doors and door assemblies. In existing buildings, Class B one hour rating doors and door assemblies shall be required.

(e) Doors in existing approved egress passages shall be not less than thirty-two inches (32") in width. When serving approved egress passages, new doors in existing structures and all doors in new structures shall be not less than thirty-six inches (36") in width and seventy-eight inches (78") in height, except that each leaf of a double or mullioned door may be not less than thirty inches (30") wide.

(f) Egress doors leading to the outside or into an enclosed passageway leading to the outside, except doors on the ground floor normally used for entrance, shall be equipped with panic hardware which will release when normal pressure is applied to the releasing device in the direction of exit travel. The releasing device may be a bar or panel extending not less than thirty

inches (30") nor more than forty-four inches (44") above the floor. They shall be kept closed when not in use.

(g) Revolving doors shall not be considered as approved means of egress.

23-28.7-7. Construction.

(a) Every hotel or motel hereafter constructed, every addition hereafter made to any hotel or motel, and every building hereafter converted for the purposes of a hotel, shall be of noncombustible construction if more than three (3) stories above the basement of any portion of the motel or hotel building is used or intended for use by guests or employees.

(b) All vertical openings, including stairways and passageways to the outdoors, in all new buildings, additions to existing buildings, or buildings hereafter converted for the purpose of a motel or hotel, shall be enclosed by material with a fire resistant rating of at least two (2) hours, except that an enclosure shall not be required for a flight of stairs in a noncombustible building when the stairs connect only one story with one other story immediately above or below it, and provided that at least one passageway for each floor of the hotel or motel shall lead directly to the outdoors by stairways or passageways, or a combination of both, enclosed completely by fire resistant material of such rating. Outside stairways shall not be allowed as approved means of egress from new hotels or motels, in accordance with § 23-28.8-1.

23-28.7-8. Hazardous occupancies.

No combustible building shall contain a Class 1, 2, or 3 dry cleaning establishment as defined in special regulations governing the dry cleaning establishments, or other commercial occupancy using flammable liquids, or any other storage of materials or equipment of high hazard unless the occupancy is completely segregated from the hotel or motel premises by un-pierced walls with a fire resistant rating of not less than two (2) hours, and by ceilings and floors of material with the same fire resistant rating.

23-28.7-9. Fire walls and smoke barriers.

The installation of fire walls or smoke barriers, or both, additional to those specifically required in this code, may be ordered by the building inspector having jurisdiction or state fire marshal, upon certification of the proper inspecting authority that the same is necessary as a minimum requirement for safety.

23-28.7-10. Fire-stopping.

(a) Exterior walls of new or changed frame construction and interior stud partitions shall be fire-stopped at each floor level by a two-inch (2") thick plate or masonry filling, completely closing any possible vertical opening from one story to another.

(b) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable noncombustible material completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

23-28.7-11. Exit signs.

All hotels and motels shall be provided with exit signs in accordance with chapter 28.23 of this title; group type C, as specified in § 23-28.23-2 shall be required. Where each guest room has a direct exit to the outside of the building at ground level no exit signs shall be required; provided,

however, that all other guest room doors shall have posted thereon a diagram showing the direction to all exits on the floor where the room is located.

23-28.7-12. Emergency lighting.

All hotels and motels shall be provided with emergency lighting in accordance with chapter 28.24 of this title. Where each guest room has a direct exit to the outside of the building at ground level, no emergency lighting shall be required.

23-28.7-13. Extinguishing equipment required.

All hotels and motels shall be provided with proper fire extinguishing equipment in accordance with NFPA Standard 10, 1988 edition. The term 'extinguishing equipment' as used in this section shall not include automatic sprinklers. (See § 23-28.7-14.)

23-28.7-14. Sprinklers required.

(a) All new hotels and motels, every addition hereafter made to a hotel or motel, and every building hereafter converted for the purposes of a hotel or motel, shall be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition, and its related standards.

(b) All existing hotels or motels constructed wholly or in part of combustible materials, which have sleeping accommodations for guests or employees above the third story, shall be completely protected by an approved system of automatic sprinklers.

23-28.7-15. Decorative and acoustical material.

(a) Decorative and acoustical materials. All combustible decorative and acoustical material, including curtains, streamers and other paper and decorative materials, but not including floor coverings, located in all corridors, passageways, and in lobbies and other rooms or spaces for general guest or public use, shall be rendered and maintained flame resistant. This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, provided the surface will not be readily flammable.

(b) Limitation of approval. All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

(1) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.

(2) That the product used was applied in accordance with manufacturer's specifications.

(3) State the date of treatment and warranty period.

(c) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test as provided in subsection (d).

(d) Field test: match flame test. (1) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one half inch (1 ½") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and seven sixteenths inches (2 7/16")); approximate weight twenty-nine (29) grams per hundred), applied for twelve (12) seconds.

(2) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one-half inch (½") above

the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.

(3) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(e) The interior finish in all hotels and motels shall be as regulated or modified by the provisions of the definition of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(1) In all vertical means of egress 'Class A.'

(2) In all horizontal means of egress 'Class B.'

(3) In all other rooms or spaces 'Class C.'

(f) (1) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

(2) IN ADDITION: All floor coverings referred to in N.F.P.A. Standard 253, 1984 edition, and described as Class I and Class II in N.F.P.A. Standard 101 Life Safety Code, 1985 edition, may be used on all floors where combustible floor coverings are allowed.

23-28.7-16. Alarms.

(a) A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in every hotel.

(b) In ADDITION, a visual alarm signal shall be installed in guest rooms specifically designed for persons with disabilities.

(c) Rate of rise and one-hundred thirty-five degree (135°) to one-hundred forty degree (140°) fixed temperature thermodetector shall be installed in every sleeping room.

(d) A local single station AC smoke detector shall be installed in each sleeping room.

(e) (1) EXCEPTION: Buildings no more than two (2) stories high where each guest room has a direct exit to the outside of the building shall have a fire alarm system as prescribed in § 23-28.25-4(a).

(2) In ADDITION: A local single station AC smoke detector shall be installed in each sleeping room.

23-28.7-17. Housekeeping.

All hotel or motel premises and other occupancies within buildings containing hotels or motels shall be kept clean and in tidy condition, and free from accumulation of combustible debris or other waste material.

23-28.7-18. [Repealed.]

23-28.7-19. Exit charts in dormitories.

There shall be conspicuously posted in each room, corridor, and common rooms of a dormitory used for occupancy, a chart of all exits and fire escapes, detailing the path of egress from the room. The college administrator or his or her designee shall be responsible for compliance with this section.

CHAPTER 28.8

FIRE ESCAPES - OUTSIDE STAIRWAYS

Section.

23-28.8-1. Use on new buildings prohibited.

23-28.8-2. Use on existing buildings.

23-28.8-3. Winding stairs.

23-28.8-4. Construction.

23-28.8-5. Outside stairways.

23-28.8-6- 23-28.8-15. [Repealed.]

23-28.8-1. Use on new buildings prohibited.

The use of fire escapes as approved means of egress shall not be allowed on new structures regulated by this code.

23-28.8-2. Use on existing buildings.

(a) Fire escapes may be used as approved means of egress on existing buildings only wherever enclosed inside stairways of the required qualifications are found impracticable.

(b) Fire escapes shall not constitute more than fifty percent (50%) of the required exit capacity.

23-28.8-3. Winding stairs.

Winding stairs, as defined in § 23-28.1-5, shall not be used or allowed to continue in use as any portion of an approved egress passage.

23-28.8-4. Construction.

Fire escapes shall be in conformity with N.F.P.A. Standard 101, 1988 edition, Chapter 5.

23-28.8-5. Outside stairways.

Outside stairways shall be in conformity with N.F.P.A. Standard 101, 1988 edition, Chapter 5.

23-28.8-6 - 23-28.8-15. [Repealed.]

CHAPTER 28.9

HEATING AND COOKING FACILITIES

Section.

- 23-28.9-1. "Central heating plants" defined.
- 23-28.9-2. Enclosures for new and existing buildings.
- 23-28.9-3. Enclosure doors.
- 23-28.9-4. Oil burners.
- 23-28.9-5. Gas burners.
- 23-28.9-6. Space heaters.
- 23-28.9-7. Air vents.
- 23-28.9-8. Chimneys and flues.
- 23-28.9-9. Cooking appliances.
- 23-28.9-10. Extinguishing equipment required.
- 23-28.9-11. Fire alarm systems.
- 23-28.9-12. Removal of oil tank from central heating plant.

23-28.9-1. "Central heating plants" defined.

Central heating plants are fuel fired heating devices used for heating a building or an area of a building with the use of external heating pipes or ducts.

23-28.9-2. Enclosures for new and existing buildings.

- (a) In new buildings other than one, two (2), and three (3) family houses, boarding homes, child day care centers, community residences II, schools, and health care facilities, central heating plants above 160,000 BTU input and all floor mounted units requiring a non-combustible floor by their listing shall be in a segregated room, and installed in accordance with their listing. The walls, floor, and ceiling of the room shall be fire rated at no less than that required for the remainder of the building, or have a one hour fire resistant rating, whichever is greater. The enclosure shall be located adjacent to an exterior wall.
- (b) In existing buildings other than one, two (2), and three (3) family houses, boarding homes, child day care centers, community residences II, schools, and health care facilities, central heating plants above 160,000 BTU input, and all floor mounted units requiring a non-combustible floor by their listing, shall be in a segregated room, and installed in accordance with their listing. The walls, floor, and ceiling of the room shall be constructed of material having a one hour fire resistance rating. All new enclosures required for a central heating plant shall be located adjacent to an exterior wall.
- (c) In all buildings covered by the fire code, central heating plants shall not be located in attics, or in cellars and basements with areas less than six feet (6') in height.
- (d) Central heating plants under 160,000 BTU input that do not require installation in a fire rated room shall be installed in accordance with their listing and the manufacturer's instructions.

23-28.9-3. Enclosure doors.

Doorways and other openings through required furnace enclosures shall be closed by doors and jambs of the same fire resistant quality as is required of the enclosure, so hung as to be reasonably smoke-tight and equipped with adequate self-closing devices. The doors and door

assemblies shall be B label one and one-half (1 ½) hours in rooms required to have a two (2) hour fire rating, and a B label one hour rating in rooms required to have a one hour fire rating. All enclosure doors shall swing inward in new construction or new enclosures.

23-28.9-4. Oil burners.

(a) Oil burners shall be equipped with approved devices for automatic main flame ignition, an approved fuel flow interrupting device, pilot or main flame monitoring, and any other devices required for the safe operation of that burner. An auxiliary power interrupting on-off switch shall be wired to a position remote from the burner and from any fire danger.

(b) All other technical aspects of oil burners not specifically in the Rhode Island fire code or in this section shall be in accordance with N.F.P.A. Standard No. 85D, 1984 edition, or Standard 85A, 1982 edition.

23-28.9-5. Gas burners.

(a) Gas burners shall be equipped with approved devices for automatic main flame ignition, pilot or main flame monitoring, and any other devices required for the safe operation of that burner. An auxiliary power interrupting on-off switch shall be wired to a position remote from the burner and from any fire danger on any burner except those equipped with self-generating controls.

(b) All other technical aspects of gas burners not specifically in the Rhode Island fire code or in this section shall be in accordance with N.F.P.A. Standard No. 85B, 1984 edition, or Standard No. 85D, 1984 edition.

23-28.9-6. Space heaters.

(a) Space heaters or above-the-floor devices for direct heating of the space in and adjacent to that in which the device is located without external heating pipes or ducts shall not be used in any buildings except such devices which are in accordance with pertinent requirements established by the state fire marshal.

(b) Notwithstanding the limitations set forth in § 23-28.1-2, the rules and regulations promulgated by the fire marshal pursuant to this section shall apply to private dwellings occupied by one, two (2), or three (3) families.

23-28.9-7. Air vents.

Furnace rooms or enclosures shall be provided with an air vent to the outside sufficient for proper combustion and exhaust. Additional openings and/or a separate vent by duct to the close proximity of oil burners when used may be required to provide air for proper combustion. The air vents shall be maintained in an open position by approved mechanical or fixed devices.

23-28.9-8. Chimneys and flues.

(a) Furnaces, boilers, and other fired units shall be vented by smoke pipes or other approved venting material to a chimney constructed of brick, solid block masonry, or reinforced concrete, with suitable flue lining or substitute chimney acceptable to national fire protection association standards, properly erected and maintained in safe condition. Provided, however, that gas heating equipment may be vented into approved type B or type BW vents in accordance with the provisions of the national fire protection association Standards 54, 1988 edition and 211, 1988 edition.

(b) Special venting arrangements:

- (1) Listed direct vent equipment shall be considered properly vented when installed in accordance with the terms of its listing and the manufacturer's instruction.
- (2) Equipment incorporating integral venting means shall be considered properly vented when installed in accordance with its listing and the manufacturer's instructions and the 1984 edition of N.F.P.A. Standard 54, or N.F.P.A. Standard 31, 1987 edition.
- (3) Mechanical draft systems shall be installed in accordance with the 1988 edition of N.F.P.A. Standard 54.

23-28.9-9. Cooking appliances.

- (a) Cooking appliances and water heaters shall be suitably installed in accordance with safe practices. All new construction shall be in accordance with N.F.P.A. Standard 96, 1987 edition.
- (b) All the cooking devices shall be installed upon flooring with a fire resistant surface. The surface may be required to extend beyond the equipment or for the entire room enclosure when deemed necessary.
- (c) The use of hotplates, coffee makers, toasters, warmers, and similar portable equipment shall be only in authorized designated areas.

23-28.9-10. Extinguishing equipment required.

As to type, location, and maintenance, all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.9-11. Fire alarm systems.

Required enclosures containing central heating furnaces in combustible and/or non-sprinklered buildings shall be in compliance with chapter 28.25 of this title.

23-28.9-12. Removal of oil tank from central heating plant.

- (a) Whenever a residential or commercial oil fired central heating plant ceases to be used due to removal of the oil tank, the oil tank fill line must be completely removed, or sealed in a manner that prevents oil from passing through the line. Capping the fill line on the exterior is insufficient under this section.
- (b) The person, firm, or corporation performing the conversion shall be responsible for the removal or sealing, and shall inform the owner of the premises that such removal or sealing is required by law.

CHAPTER 28.10
HEALTH CARE FACILITIES

Section.

23-28.10-1. "Health care facilities" defined - Standards applicable.

23-28.10-2. Fire alarms.

23-28.10-3- 23-28.10-37. [Repealed.]

23-28.10-1. "Health care facilities" defined - Standards applicable.

(a) Health care facilities shall include the following:

(1) Hospitals.

(2) Skilled nursing facilities.

(3) Intermediate care facilities.

(b) Fire safety requirements, for all health care facilities, shall be in accordance with N.F.P.A. Standard 101, 1988 edition, chapters 12 and 13, and their related chapters and standards.

(c) All new health care facilities, every addition hereafter made to a health care facility, and every building hereafter converted for the purpose of a health care facility, shall be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards.

23-28.10-2. Fire alarms.

A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in all health care facilities.

23-28.10-3 - 23-28.10-37. [Repealed.]

CHAPTER 28.11 FIREWORKS AND PYROTECHNICS

Section.

23-28.11-1, 23-28.11-2. [Repealed.]

23-28.11-3. Permits.

23-28.11-4. Certificate of competency.

23-28.11-5. Duration - Expiration - Renewal - Duplication.

23-28.11-6. Right of denial - Suspension or revocation.

23-28.11-7. Financial responsibility.

23-28.11-8. Nonresident.

23-28.11-9. Violations.

23-28.11-10. Rules and regulations.

23-28.11-11- 23-28.11-32. [Repealed.]

23-28.11-1, 23-28.11-2. [Repealed.]

23-28.11-3. Permits.

(a) Permits to possess and display commercial fireworks or pyrotechnics shall be issued by the local fire authority on forms provided by the state fire marshal.

(b) No permit to possess and display fireworks or pyrotechnics shall be issued by the local fire authority until the applicant has first obtained a valid certificate of competency from the state fire marshal. For the purposes of this chapter, 'pyrotechnics' means a chemical mixture, including pyrotech-compositions, intended to produce a visible and/or audible effect by combustion, deflagration or detonation before a proximate audience closer than allowed for outdoor fireworks displays as permitted under this chapter. All pyrotechnics shall be in accordance with the requirements of the National Fire Protection Association Standard 1126, entitled 'Use of Pyrotechnics Before A Proximate Audience', 1992 Edition, and the requirements of this chapter.

23-28.11-4. Certificate of competency.

(a) Every person desiring to obtain a certificate of competency to possess and display commercial fireworks and/or pyrotechnics shall make application to the state fire marshal. A fee of ten dollars (\$10.00) shall accompany each application and shall be for processing the application and for examination to be given within ninety (90) days of receipt of application to determine applicant's experience and ability to conduct commercial fireworks and/or pyrotechnics demonstrations. Separate applications, examinations and certificates shall be issued by the state fire marshal for fireworks and pyrotechnics and shall be in such form as the state fire marshal may require.

(b) Each applicant found to be qualified by examination shall forthwith be issued a certificate of competency upon payment of fifty dollars (\$50.00) and submission of certification indicating satisfactory completion of psychiatric examination administered by a qualified physician within the previous year. All fees collected pursuant to this section shall be deposited as general revenue.

23-28.11-5. Duration - Expiration - Renewal - Duplication.

Every certificate issued shall be valid for one year, and shall be renewable without examination, on March first after the original date of issue upon payment of fifty dollars (\$50.00). Any holder of a certificate whose certificate was lost, misplaced, or stolen may obtain a duplicate certificate from the state fire marshal upon payment of ten dollars (\$10.00).

23-28.11-6. Right of denial - Suspension or revocation.

The state fire marshal is empowered to deny an examination to any applicant who has been convicted of a common law crime, statutory burning, the violation of any explosive or fireworks or pyrotechnics law or rule or regulation, or who falsely completes an application. The fire marshal is further empowered to immediately suspend or revoke for a minimum period of one year the certificate of any holder found to be in violation of this law or a rule and regulation relating to fireworks, or pyrotechnics or convicted of a crime of common law, or statutory burning.

23-28.11-7. Financial responsibility.

No permit shall be issued to any applicant desiring to possess and display fireworks and/or pyrotechnics until the applicant furnishes to the local fire authority satisfactory proof of financial responsibility in an amount not less than fifty thousand dollars (\$50,000) to satisfy claims for damage to property or persons resulting from the possession or use of fireworks and/or pyrotechnics. The local fire authority may require additional financial responsibility as he or she may deem necessary due to existing conditions.

23-28.11-8. Nonresident.

No permit shall be issued under the provisions of this chapter to a nonresident person to conduct a fireworks and/or pyrotechnics display in this state, until that person shall have appointed in writing a member of the Rhode Island bar association to be his or her attorney upon whom all processes in any action or proceeding against the person may be served.

23-28.11-9. Violations.

- (a) Any person found to be in violation of the provisions of this chapter shall be fined not less than one hundred (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than one year.
- (b) The state fire marshal or the fire marshal's deputies or any officer qualified to serve criminal process may arrest without a warrant any person found in violation of this chapter and shall seize immediately any and all of the fireworks and/or pyrotechnics in illegal use, possession, or under that person's control, and the fireworks seized shall upon conviction of the person be forfeited to the state.
- (c) Notice of the seizure of the fireworks and/or pyrotechnics shall immediately be sent to the marshal by the officer making the seizure and the fireworks and/or pyrotechnics seized shall be held and securely stored by that department until the marshal or the marshal's authorized explosives technician takes them into his or her possession for disposal.

23-28.11-10. Rules and regulations.

The state fire marshal is hereby authorized and directed to promulgate reasonable rules and regulations governing the possession, sale wholesale and retail, and use of fireworks and pyrotechnics in the state.

23-28.11-11 - 23-28.11-32. [Repealed.]

CHAPTER 28.12 SCHOOLS

Part 1

New School Buildings.

Section

- 23-28.12-1. Applicability.
- 23-28.12-2. Construction of new buildings and additions to existing buildings.
- 23-28.12-3. Heating equipment.
- 23-28.12-4. Incinerators - Storage areas - Trash chutes and terminus.
- 23-28.12-5. Elevators and dumbwaiters.
- 23-28.12-6. Openings - Ventilation ducts.
- 23-28.12-7. Gymnasiums, auditoriums, and cafeterias.
- 23-28.12-8. Exits.
- 23-28.12-9. Corridors and egress passageways.
- 23-28.12-10. Doors.
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- 23-28.12-12. Stairway enclosures.
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- 23-28.12-14. Exit width.
- 23-28.12-15. Fire alarm systems.
- 23-28.12-16. Exit signs.
- 23-28.12-17. Emergency lighting.
- 23-28.12-18. Housekeeping.
- 23-28.12-19. Storage of flammable liquids.
- 23-28.12-20. Fire extinguishers.
- 23-28.12-20.1. Transoms prohibited.
- 23-28.12-20.2 . [Repealed.]

Part 2

Existing School Buildings.

Section

- 23-28.12-21. Construction.
- 23-28.12-22. Sprinkler requirements.
- 23-28.12-23. Heating equipment.
- 23-28.12-24. Incinerators - Storage areas - Trash chutes.
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- 23-28.12-28. Exits.
- 23-28.12-29. Corridors and egress passageways.
- 23-28.12-30. Doors.
- 23-28.12-31. Stairways.
- 23-28.12-32. Smoke barriers.

- 23-28.12-33. Fire escapes.
- 23-28.12-34. Drapes and scenery.
- 23-28.12-35. Exit width.
- 23-28.12-36. Fire alarm systems - Fire drills - Penalties.
- 23-28.12-37. Exit signs.
- 23-28.12-38. Emergency lighting.
- 23-28.12-39. Housekeeping.
- 23-28.12-40. Storage of flammable liquids.
- 23-28.12-41. Fire extinguishers.
- 23-28.12-42. Transoms.

PART 1 NEW SCHOOL BUILDINGS

23-28.12-1. Applicability.

(a) The regulations contained in this chapter, including without limitation the provisions of subsection (c), shall apply to all buildings or portions thereof used in whole or in part for group instruction or study in any branch or branches of knowledge; provided however, that these regulations shall not apply to:

(1) Existing buildings where the total number of students attending classes does not exceed seventy-five (75); and

(2) Buildings which are used primarily for religious services by any church, synagogue, or other religious body, and provided further that smoke detectors have been installed throughout the building.

(b) Persons or societies using the buildings described in subsections (a)(1) and (2) of this section for school purposes accept the full responsibility for loss of life or any injuries or damages occurring therein because of fire.

(c) Fire escapes and other outdoor stairways, oil burners, heating, cooking and ventilating facilities, and the use of electric appliances shall be in accordance with all other requirements of this code as well as with provisions for them in this chapter.

23-28.12-2. Construction of new buildings and additions to existing buildings.

(a) Buildings more than two (2) stories in height above the basement or ground shall be as follows:

(1) Construction shall be noncombustible throughout.

(2) Stairways shall be enclosed in noncombustible construction having a fire-resistant rating of not less than two (2) hours.

(3) Corridors shall be enclosed in noncombustible construction having a fire resistant rating of not less than sixty (60) minutes, except as noted in § 23-28.12-9(d), (e), and (f).

(4) Flooring over accessible spaces which are more than five feet (5') in clear height shall have a fire-resistant rating of not less than sixty (60) minutes.

(b) Buildings one or two (2) stories in height above the basement or ground shall be as follows:

(1) Exterior load bearing walls and/or structural supporting members shall be of noncombustible construction.

(2) Stairways shall be enclosed in noncombustible construction having a fire resistant rating of not less than sixty (60) minutes.

- (3) Corridors shall be enclosed in noncombustible construction having a fire resistant rating of not less than sixty (60) minutes, except as noted in § 23-28.12-9(d), (e), and (f).
- (4) Flooring over accessible spaces which are more than five feet (5') in clear height shall have a fire resistant rating of not less than sixty (60) minutes.
- (c) Roofs of school buildings shall be covered with roofing which is not readily flammable and does not carry or communicate fire.

23-28.12-3. Heating equipment.

- (a) Central heating plants, steam boilers, and oil-fired water heaters shall be segregated from all other occupancies by noncombustible construction having a fire-resistant rating of not less than two (2) hours, and which provides a reasonably smoke-tight enclosure.
- (b) Enclosures for heating equipment and incinerator enclosures shall be provided with adequate vents direct to the outside, sufficient for proper combustion and exhaust. Ventilating openings shall be maintained in an open position by a fixed louver or mechanical device of an approved type.
- (c) Heater rooms shall only contain equipment for heating, hot water supply, switchboard, and shall not be used for any other purposes.
- (d) Interior doors and door assemblies shall be Class B label one and one half (1 ½) hour type doors swinging into the heater room and equipped with a positive self-closing device without a hold-open device.
- (e) Furnaces, boilers, and other fired units shall be vented by means of reasonably gas-tight smokepipes or breechings connected properly to a chimney constructed of brick, solid block masonry, or reinforced concrete, with suitable flue lining, properly erected and maintained in safe condition.
- (f) Oil burners. See § 23-28.9-4.
- (g) Gas burners. See § 23-28.9-5.

23-28.12-4. Incinerators - Storage areas - Trash chutes and terminus.

Certain spaces shall be segregated from pupil-occupied spaces, as follows:

- (1) Incinerators within buildings shall be segregated from all other occupancies by noncombustible construction having a fire-resistant rating of not less than two (2) hours, with a Class B label one and one half (1 ½) hour type door and door assembly having a positive closing device. Access to incinerator rooms for loading and firing the incinerators will not be permitted through heater rooms.
- (2) Spaces used for storage of tractors, power mowers, or other equipment having an internal combustion engine shall be segregated from all other occupancies by noncombustible construction having a fire-resistant rating of not less than two (2) hours and be accessible only from outside the building.
- (3) Maintenance and storage rooms for maintaining combustible materials shall be segregated from all other occupancies by construction having a fire-resistant rating of not less than one hour in a one or two (2) story building and not less than two (2) hours in a building of more than two (2) stories.
- (4) (i) Trash or rubbish chutes shall be enclosed in shafts of masonry construction having a fire resistance rating of not less than two (2) hours. The shaft shall be extended full size through the roof for a distance of not less than four feet (4') above the roof and terminate in a smoke and fire hatch protected by devices activated by heat, smoke, pressure, or products of combustion to

cause the hatch to open to the outside in the event of fire or smoke. Normal ventilation for the dispersal of odors or for other sanitary reasons shall be in accordance with accepted good practice. Trash chute tubes shall be of steel or stainless steel, of adequate gauge taking into consideration the height of rise. To minimize the problem of clogging, the area of the intake opening shall not exceed seventy-five percent (75%) on a trash or rubbish chute. Side-hinged intake doors shall open a minimum of one hundred forty degrees (140°) and bottom hinged doors a maximum of fifty-five degrees (55°) from the vertical. The throat of the chute shall be double-sloped and the initial slope from the tube shall be eighty-three degrees (83°) from horizontal for a distance of two inches (2") back from the vertical drop, and the balance of the throat shall be as steep as possible.

(ii) The full rise of trash and rubbish chutes shall be equipped at alternate floor levels and at the top of the chute with approved recessed sprinkler heads, the operation of any of which will actuate the hatch mechanism simultaneously. In no case shall a trash chute discharge directly into an incinerator.

(iii) Service openings into chutes shall be located within a room, compartment, or space segregated from other parts of the building by masonry wall, floor, and ceiling assemblies having a fire-resistance rating of not less than two (2) hours. The rooms, compartments, or spaces shall be protected by an approved system of automatic sprinklers.

(iv) Openings into such rooms, compartments, or spaces shall be protected by Class B listed and labeled fire doors installed in listed and labeled frames and equipped with positive self-closing devices.

(v) Chute service openings shall be provided with Class B one and one half (1 ½) hour listed and labeled formed steel doors of flush design type with frames and latching and closing mechanisms. These doors shall be equipped with approved locks and kept locked at all times when not in use to prevent use of the chute by other than authorized personnel.

(vi) Trash or rubbish chutes shall terminate or discharge directly into a room, compartment, or space segregated from the incinerator room and from other parts of the building by masonry wall, floor, and ceiling assemblies having a fire resistance rating of not less than two (2) hours, and shall be protected by an approved system of automatic sprinklers.

(vii) Openings into chute terminus rooms, compartments, or spaces shall be protected by Class B listed and labeled fire doors installed in listed and labeled frames and equipped with positive self-closing devices.

(viii) An adequate length of hand hose connected to a suitable water supply shall be provided within such rooms, compartments, or spaces. Any use of this equipment shall actuate the fire alarm system.

(ix) The terminal end of the chute shall be protected by a Class B listed and labeled flush type door equipped with a positive self-closing device and kept closed at all times except when the trash or rubbish is being discharged into the collection room, when under the supervision of a competent attendant.

(x) All trash and rubbish shall be inspected and cleared as often as may be necessary to prevent an accumulation of trash and rubbish within the chute, and under no circumstances shall an overnight accumulation of trash or rubbish be permitted.

23-28.12-5. Elevators and dumbwaiters.

(a) Elevators will not be considered as approved means of egress, and all new elevator and dumbwaiter shafts shall be enclosed by noncombustible materials with a fire resistant rating of

not less than two (2) hours, and existing elevators shall be enclosed by noncombustible materials with a fire resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class B label one and one half (1 ½) hour in new elevators and in existing elevators Class B label one hour, and the doorways shall be made smoke-tight when doors are closed.

(b) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the Rhode Island Department of Labor and Training.

23-28.12-6. Openings - Ventilation ducts.

(a) No horizontal interior opening will be permitted in any shaft except for elevator doors, dumb waiter doors, and doors to pipe shafts. Pipe shafts shall be enclosed with 60-minute fire resistant construction and doors to pipe shafts one and three-fourths inches (1 ¾") thick solid core or noncombustible construction.

(b) Ventilating ducts shall be in accordance with N.F.P.A. Standard 90A, 1989 edition and 90B, 1989 edition.

23-28.12-7. Gymnasiums, auditoriums, and cafeterias.

Gymnasiums, whether or not provided with spectator seating, auditoriums, and cafeterias are classed as 'places of assembly' and are to be in accordance with chapter 28.6 of this title.

23-28.12-8. Exits.

(a) Each floor level of a school shall have exits or stairs in sufficient total width to fulfill the requirements of § 23-28.12-14 (exit width determination).

(b) Exits or stairways shall be so located that no doorway of a pupil occupied space shall be more than one hundred fifty feet (150') in a nonsprinklered building and two hundred feet (200') in a sprinklered building from one exit or stairway, and so that there is a minimum of two (2) such stairways or exits from each story, located as remotely as possible from each other. The one hundred foot (100') requirement will be waived only in cases where all pupil occupied areas have direct means of egress to the outside.

(c) All classrooms designed as industrial arts shops shall have two (2) separate and distinct means of egress, one of which shall be direct to the outside or through an adjoining room and thence to the outside. The other means of egress may be by common use corridor to the outside.

(d) Homemaking kitchens, chemistry laboratories, arts and crafts rooms, and all classrooms designed to accommodate fifty (50) or more persons and not exceeding one thousand square feet (1000 sq. ft.) in area shall have two (2) separate means of egress, remote as practicable from each other, which lead to the common use corridor or to an adjoining room and thence to the corridor.

(e) No pockets or dead ends shall be permitted in corridors, except that when all stairways are enclosed at that floor level such pockets or dead ends may be permitted when they do not exceed twenty feet (20') in length.

(f) Fire escapes on the exterior of a new building shall not be permitted.

(g) Where courts occur enclosed on all sides and required exits from rooms or spaces exit into the court, an exit from the court to the exterior perimeter of the buildings shall be provided. This exit shall be segregated from all building occupancies by noncombustible construction having a fire resistant rating of not less than two (2) hours.

23-28.12-9. Corridors and egress passageways.

- (a) Corridors used as means of egress from pupil-occupied areas shall be not less than six feet (6') in unobstructed width. This minimum width shall exist at all points measured at right angles to the length of the corridor, and to the nearest point of extended locker doors, fully opened doors from occupied spaces, drinking fountains, fire extinguishers, or other projecting objects. Clear headroom shall be at least seven feet (7').
- (b) All corridors served by stairs unenclosed at that level and being over three hundred feet (300') in length shall be divided into approximately equal sections not over three hundred feet (300') in length by smoke barriers. These barriers shall be similar in construction to the partitions and doors separating stairways from corridors, except that fifty percent (50%) of the doors therein shall swing in each direction.
- (c) Stairs of less than three (3) risers shall not be used in corridor. Ramps shall be used for necessary small changes in level. Where ramps are used, rise shall not exceed one foot (1') per ten feet (10') of run.
- (d) Where corridor walls of schoolrooms are required to have fire-resistant rating, transoms or similar openings in corridor walls of schoolrooms shall not be used except as follows: glazing of wired glass in panes not exceeding nine square feet (9 sq. ft.) in area each and securely mounted in noncombustible frames or glass blocks set in noncombustible frame and mortar will be permissible. The glazing shall be not more than thirty-six inches (36") in height nor be below four feet (4') from the finished corridor floor. The total area of such glazing shall not exceed twenty-five percent (25%) of the area of a corridor partition of the classroom, the height being measured from the corridor side. This does not apply to corridor walls of offices, cafeterias, or libraries.
- (e) Corridor walls of offices may be constructed of glass unlimited in area and type.
- (f) Corridor walls of cafeterias and libraries may be constructed of glass unlimited in area. The glass, however, shall be wired glass in panes not to exceed nine square feet (9 sq. ft.) each in area and set in noncombustible frames.
- (g) (1) All combustible decorative and acoustical materials, and curtains located in corridors, passageways, stairways, and lobbies, shall be rendered and maintained flame resistant. This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, provided the surface will not be readily flammable and will not carry or communicate fire.

Limitation of Approval

(2) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

- (i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.
- (ii) That the product used was applied in accordance with manufacturer's specifications.
- (iii) State the date of treatment and warranty period.

When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test herein provided.

(3) Field test: Match flame test. (i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one half inches (1 ½") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and

seven sixteenths inches (2 7/16"); approximate weight twenty-nine grams (29 gr.) per hundred), applied for twelve (12) seconds.

(ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs, or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one half inch (1/2") above the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.

(iii) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(h) In all new schools, interior finish shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(1) In all vertical means of egress and connecting passages to the outside 'Class A.'

(2) In all access corridors 'Class B.'

(3) In all other rooms or spaces 'Class C.'

(4) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

23-28.12-10. Doors.

(a) All doors from pupil occupied spaces, except toilets, shall swing in the direction of egress travel with hinges on jamb nearest to the closest stairway or exit. Minimum door dimensions shall be thirty-six inches (36") wide, except that doors in multiple may be thirty inches (30") wide.

(b) Locks on interior doors from all pupil-occupied spaces shall be of the 'schoolhouse type'; that is, they shall lock by key only and shall be operative from the inside at all times by the turning of the knob only.

(c) No sliding door, vertical-lift door, revolving door, or folding partition shall be used as a closure for a required means of egress; except folding gates may be used to segregate portions of the building.

(d) Doors swinging in two (2) directions, known as 'double-swing,' shall not be used as closures for required means of egress.

(e) All doors in corridors which are required to be fire resistive for at least sixty (60) minutes shall be 'C' label three quarter (3/4) hour door assemblies. The doors may have a vision panel not to exceed twelve hundred and ninety-six square inches (1296 sq. in.) and glass thickness of not less than one quarter inch (1/4") and wired. Exceptions to this requirement shall be doors covered in subsection (i).

(f) Egress doors from corridors or stairway enclosures, which have locking or latching devices, shall have panic hardware which will permit the door to open with a single motion when pressure is applied to the releasing device in the direction of egress travel.

(g) Where double-leaf doorways are used in stairway enclosures they shall be equipped with a mullion or astragal which will provide reasonably tight closure, but which will not interrupt a complete self-closing operation.

- (h) Interior doors to stairways shall provide as a minimum one thirty inch (30") leaf for each twenty-two inches (22") of stairway width.
- (i) Doors and door assemblies from corridors into stair enclosures shall be Class B label one and one half (1 ½) hour fire resistant. These doors shall be equipped with suitable self-closing devices, maintained in operating condition to keep the doors closed. No such door shall be equipped with a device for holding it in an open position. Double-leaf doorways shall be equipped with a mullion or astragal which will provide reasonably tight closure, but which will not interrupt a complete self-closing operation.

23-28.12-11. Stairways.

- (a) All required stairways shall lead directly to an outside area having unrestricted access to the exterior perimeter of the building.
- (b) All stairs (and platforms, landings, etc. used in connection therewith) shall be of noncombustible construction throughout. Treads of stairs and landings shall be solid (without perforations). Handrails are exempted from the above requirements, also short non-exit stairs serving stages, platforms, etc.
- (c) There shall be no variation in the depth of treads and the height of risers in any flight. Where variation in riser heights in different flights is necessary because of varying story heights, the variation shall not exceed three-sixteenths of an inch (3/16"). All treads shall be not less than eleven inches (11") in depth, and risers shall be not more than seven inches (7") in height.
- (d) Treads and landing shall have non-slip surfaces.
- (e) There shall be no occupied spaces, closets, or other storage areas within stair enclosures. Spaces shall be left entirely open or shall be entirely enclosed, without door or other opening into the enclosure. Access doors to pipe-tunnels and similar non-storage spaces will be permitted, provided they are of sixty (60) minute fire-resistant construction and kept locked.
- (f) No arrangement of treads known as 'winders' shall be allowed.
- (g) Where doors open into stairways, there shall be a minimum clearance of eighteen inches (18") between the edge of the door in any position and the nosing of a riser.
- (h) All egress stairways shall have suitable handrails on both sides and at center of stairs wider than eighty-eight inches (88"). There shall be no more than sixty inches (60") between adjacent handrails.
- (i) No stairway shall be less than forty-four inches (44") in width, and no flight of stairs shall have a vertical rise of more than nine feet (9').
- (j) Landings at turns shall be at least forty-four inches (44") in length, measured along the line of travel, and eighteen inches (18") from the inside handrail except that right angle turns may be made with a square platform the width of the stairway. Intermediate landings on straight stairs shall have a length of at least forty-four inches (44").
- (k) Ramps may be substituted for stairs, provided surfaces are non-slip and rise does not exceed one foot (1') in ten feet (10') of run.

23-28.12-12. Stairway enclosures.

- (a) Stairways serving one or more stories above the first shall be segregated from corridors at all floor levels, except the uppermost floor.
- (b) Stairways from basements shall be segregated from first floor corridors and means of egress by an enclosure.

(c) The enclosure between stairways and corridors shall be constructed in compliance with § 23-28.12-2(a)(2) and (b)(2).

23-28.12-13. Stages.

(a) Auditorium stages having a fly loft or grid above or below the structural opening between the stage and the auditorium, or dressing rooms or storage rooms on the stage, shall be built of noncombustible construction throughout. The structure supporting the stage flooring above the normal auditorium floor level may be of combustible construction. Ventilation shall be provided by means of louvers in the side walls or a smoke and fire hatch protected by devices activated by heat, smoke, pressure, or products of combustion to cause the hatch to open to the outside in the event of fire or smoke in the roof, having an area equal to at least ten percent (10%) of the floor area within the stage walls.

(b) All drapes and scenery shall be rendered and maintained flame resistant, subject to the restrictions and testing under § 23-28.6-15.

23-28.12-14. Exit width.

Required width of exits and stairs shall be computed in accordance with the following:

- (1) Occupancy load calculated on basis of one pupil per twenty square feet (20 sq. ft.) of net classroom floor area or one person per fifty square feet (50 sq. ft.) of net shop or laboratory area.
- (2) Stair capacity based on sixty (60) persons per unit of exit width twenty-two inches (22").
- (3) Capacity of doors based upon ninety (90) persons per unit of exit width.
- (4) Stairs shall provide total aggregate width in 22-inch increments, in accordance with the following table:

Number of pupils in area of greatest occupancy served by stairs	Total width of stairs
120	44"
180	66"
240	88"
300	110"
360	132"
420	154"
480	176"
540	198"
600	220"
660	242"
720	264"
780	286"

(5) Exits to the outside shall provide one door for each one hundred (100) persons or major fraction thereof on that floor, plus one door for each one hundred (100) persons or major fraction thereof that required stairs are designed to accommodate.

(6) No required exit doorway serving a stairway or corridor shall consist of less than two (2) thirty inch (30") leaves.

(7) Exits required for places of public assembly may, if appropriately located, be used jointly as required exits for ordinary school occupancy where total occupancy of the building at any one

time will not exceed the largest capacity calculated under either chapter 28.6 of this title or this chapter.

23-28.12-15. Fire alarm systems.

(a) A full coverage fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in all educational occupancies.

(b) In cases where instruction is incidental to some other occupancy, the section of these regulations governing the other occupancy shall apply. Sunday schools or church schools which are not used for daily classes throughout the week shall comply with that section of these regulations dealing with places of public assembly.

(c) Alarm horns shall be supplemented by flashing lights marked 'FIRE.'

(d) It shall be the duty of the principal or other person in charge of every public school or private school or educational institution within the state, having more than twenty-five (25) pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. There shall be fifteen (15) such drills or rapid dismissals during the school year, at least eight (8) of which shall be held during the months of September, October, and November. The remaining seven (7) drills or rapid dismissals shall be held at the discretion of the principal or person in charge of the school. At least four (4) drills or rapid dismissals shall be obstructed, which means that one or more exits and stairways in the school building are blocked off or not used, and at least two (2) of these obstructed drills shall be held during the months of September and October.

(e) Neglect by any principal or any person in charge of any public or private school or educational institution to comply with the provisions of this section shall be a misdemeanor punishable by a fine not exceeding fifty dollars (\$50.00). Written reports, on forms supplied by the department of elementary and secondary education, of each fire drill shall be completed immediately upon termination of every drill and shall be available for review by the fire marshal, assistant deputy fire marshal, or local fire authority. The fire marshal, assistant deputy fire marshal, or local fire authority may require that a fire drill be conducted in his or her presence.

23-28.12-16. Exit signs.

(a) For places of assembly see § 23-28.6-12.

(b) All schools shall be provided with exit signs in accordance with chapter 28.23 of this title. Group type C as specified in § 23-28.23-2 shall be required.

23-28.12-17. Emergency lighting.

All schools shall be provided with emergency lighting in accordance with chapter 28.24 of this title.

23-28.12-18. Housekeeping.

All school buildings shall be kept clean and in tidy condition, and free from accumulation of combustible debris or other waste material.

23-28.12-19. Storage of flammable liquids.

See chapters 28.20 - 28.22 of this title.

23-28.12-20. Fire extinguishers.

Every new school shall be provided with adequate fire extinguishers as to type, location, and maintenance, and all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.12-20.1. Transoms prohibited.

Transoms and other openings in corridors or passageways shall not be allowed.

23-28.12-20.2. [Repealed.]

PART 2

EXISTING SCHOOL BUILDINGS

23-28.12-21. Construction.

No building, not now a school building, may hereafter be converted for school purposes unless it complies after conversion with the provisions of part I of this chapter for new buildings, §§ 23-28.12-1 - 23-28.12-20.1.

23-28.12-22. Sprinkler requirements.

- (a) All existing school buildings wholly or in part of combustible construction, which have student occupancy above the second story, shall be protected by a system of automatic sprinklers, installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards.
- (b) Buildings having noncombustible construction of 60-minute fire-resistant rating enclosing all required stairways and protecting corridors at sides and beneath shall be exempt from the requirements for sprinklers.

23-28.12-23. Heating equipment.

- (a) Central heating plants, steam boilers and oil-fired water heaters shall be segregated from all other occupancies by walls, ceiling, and floor having a fire resistant rating of not less than sixty (60) minutes, which shall provide a reasonably smoke-tight enclosure.
- (b) These enclosures for heating equipment and incinerators shall be provided with adequate vents direct to the outside, sufficient for proper combustion and exhaust. Ventilating openings shall be provided directly to the outside by fixed or mechanical louvers of an approved type.
- (c) Heater rooms shall only contain equipment for heating, water supply, and switchboard, and shall not be used for any other purpose.
- (d) Interior doors to heater rooms shall open inward and shall be of the same fire resistancy required for the segregating partitions, and shall be equipped with a positive self-closing device. The doors shall have no hold-open devices, and shall be kept closed at all times.
- (e) Furnaces, boilers, and other fired units shall be vented to a chimney by means of a reasonably gastight smoke pipe. The chimney shall be properly constructed of brick, solid block masonry, steel, or reinforced concrete.
- (f) Oil burners. See § 23-28.9-4.
- (g) Space heaters. See § 23-28.9-6.
- (h) Gas burners. See § 23-28.9-5.

23-28.12-24. Incinerators - Storage areas - Trash chutes.

(a) Incinerators within buildings shall be segregated from all other occupancies by construction having a fire resistant rating of not less than sixty (60) minutes, with a door of the same fire resistancy having a positive self-closing device.

(b) Space used for storage of tractors, power mowers, or other equipment having internal combustion engines shall be segregated from all other occupancies by construction having a fire resistant rating of not less than one hour and shall be accessible only from outside the building.

(c) Trash and rubbish chutes not connected directly to an incinerator in combustible buildings shall be protected by automatic sprinklers, and the doors and door assemblies shall be of not less than Class B label one hour fire resistant construction, equipped with self-closing devices; or the shaft shall be discontinued from use and sealed horizontally at each floor level by construction equal to the adjacent floor.

23-28.12-25. Elevators and dumbwaiters.

(a) Elevators will not be considered as approved means of egress, and all new elevator and dumbwaiter shafts shall be enclosed by noncombustible materials with a fire resistant rating of not less than two (2) hours and existing elevators shall be enclosed by noncombustible materials with a fire-resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class B label one and one-half (1½) hour in new elevators and in existing elevators Class B label one hour, and such doorways shall be made smoke-tight when doors are closed.

(b) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the Rhode Island Department of Labor and Training.

23-28.12-26. Vertical openings.

(a) Abandoned ducts, ventilating ducts, and shafts. No vertical shaftway shall be used for storage purposes. Access doors to shaftways shall be sixty (60) minute fire resistant, and shall be kept locked.

(b) Light wells. Open light wells, or other similar openings, within a school building shall not be permitted. Any such openings now existing shall be enclosed vertically at each floor level with construction having a fire resistant rating of not less than sixty (60) minutes; except that such enclosures may contain panes of quarter-inch (1/4") wired glass not over nine square feet (9 sq. ft.) each in area, securely mounted in noncombustible frames; or they may be floored over horizontally by construction equal to the adjacent floor.

23-28.12-27. Gymnasiums, auditoriums and cafeterias.

Gymnasiums, whether or not provided with spectator seating, auditoriums, and cafeterias are classed as places of assembly, and are to be in accordance with chapter 28.6 of this title.

23-28.12-28. Exits.

(a) Each floor level of a school shall have two (2) exits in sufficient total width to fulfill the requirements of § 23-28.12-35 (exit width determination).

(b) Exits or stairs shall be so located that no doorway of a pupil-occupied space shall be more than one hundred fifty feet (150') in non-sprinklered buildings and two hundred feet (200') in

sprinkled buildings from one such exit or stairway. There shall be a minimum of two (2) stairways or exits from each story, located as remotely as possible from each other.

(c) No pockets or dead ends shall be permitted in corridors, except that when all stairways are enclosed at each floor level; pockets or dead-ends may be permitted when they do not exceed twenty feet (20') in length.

(d) Where courts occur which are enclosed on all sides, and the required exits from rooms or spaces exit into the courts, an exit from the court to the exterior perimeter of the building shall be provided. This exit shall be segregated from all building occupancies by construction having a fire resistant rating of not less than sixty (60) minutes.

23-28.12-29. Corridors and egress passageways.

(a) Corridors used as a means of egress from pupil occupied areas shall not be less than thirty-six inches (36") in unobstructed width. Exception is that fire protection equipment may protrude no more than eight and one half inches (8½").

(b) (1) All combustible decorative and acoustical material, and curtains, located in corridors, passageways, stairways, and lobbies, shall be rendered and maintained flame resistant. This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, provided the surface will not be readily flammable and will not carry or communicate fire.

(2) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

(i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.

(ii) That the product used was applied in accordance with manufacturer's specifications.

(iii) State the date of treatment and warranty period.

(3) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test as provided in subsection (b)(4).

(4) Field test: Match flame test. (i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one half inches (1 ½") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and seven sixteenths inches (2 7/16")); approximate weight twenty-nine grams (29 gr.) per hundred), applied for twelve (12) seconds.

(ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs, or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one half inch (½") above the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.

(iii) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(c) In existing schools, interior finish shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(i) All changes of interior finishes in existing schools shall also conform to the regulations listed below:

- (A) In all vertical means of egress and connecting passages to the outside 'Class A.'
- (B) In all access corridors 'Class B.'
- (C) In all other rooms or spaces 'Class C.'
- (ii) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

23-28.12-30. Doors.

- (a) All doors from pupil occupied spaces, except toilets, shall swing in the direction of egress travel. Minimum door dimensions shall be not less than thirty-six inches (36") wide.
- (b) Doors leading from school rooms or pupil-occupied spaces into a hall or corridor shall not, during school hours, be locked, bolted, or secured in any other manner than by a spring which will readily yield to pressure from the inside or by the turning of a knob.
- (c) No sliding door, vertical lift door, revolving door, or folding partition shall be used as a closure for a required means of egress, except folding gates may be used to segregate portions of the building.
- (d) Doors swinging in two (2) directions, known as a double-swing, shall not be used as closures for a required means of egress.
- (e) Egress doors from corridors or stairway enclosures, which have locking or latching devices, shall have panic hardware which will permit the door to open with a single motion when pressure is applied to the releasing device in the direction of egress travel.
- (f) Where double-leaf doorways are used in stairway enclosures, they shall be equipped with a mullion or astragal which will provide a reasonably tight closure, but which will not interrupt a complete self-closing operation.
- (g) Interior doors to stairways forty-four inches (44") or over in width shall provide as a minimum one 30-inch leaf for each twenty-two inches (22") of stairway width. Where stairs are less than forty-four inches (44") in width, a single-leaf door shall be not less than thirty-six inches (36") in width.
- (h) All interior doors in stairway enclosures required to have a fire resistant rating shall be not less than sixty (60) minute fire resistant. The doors may be of solid wood planking or built-up plywood with solid core, not less than one and three fourths inches (1 $\frac{3}{4}$ ") thick. Wired glass one-fourth inch ($\frac{1}{4}$ ") thick in a single pane, or smaller panes totaling not over six square feet (6 sq. ft.), may be used in such doors. These doors shall be equipped with suitable self-closing devices, maintained in operating condition to keep the doors closed. No door shall be equipped with a device for holding it in an open position.
- (i) Any new door installed or existing door changed shall be of a Class B label door and door assembly one and one half (1 $\frac{1}{2}$) hour fire resistant.

23-28.12-31. Stairways.

- (a) All required egress stairways shall lead directly to the outside or to a protected passageway which connects the stairs directly to the outdoors. These stairways and protected passageways shall be enclosed and segregated from other portions of buildings by materials with a fire resistant rating of not less than sixty (60) minutes.
- (b) All existing stairways approved as an inside means of egress shall have stair treads not less than eight inches (8") in width, exclusive of nosing, and risers shall not exceed eight and one half inches (8 $\frac{1}{2}$ ") in height.

- (c) All stairways in approved egress passages shall be provided with landings at least thirty-six inches (36") in depth between the nosing of the top or bottom stair and the door opening.
- (d) Winding stairs shall not be allowed in approved means of egress.
- (e) All egress stairways shall have suitable handrails on both sides, and at the center of stairs that are wider than eighty-eight inches (88"). There shall be no more than sixty-six inches (66") between adjacent handrails, except stairways less than three feet (3') in width may have but one handrail. Handrails shall be attached at a height of between two feet six inches (2'6") and two feet nine inches (2'9") vertically above the intersection of the treads and risers.
- (f) There shall be no closets or other storage areas within stair enclosures or beneath stairways used for storage purposes of any kind.

23-28.12-32. Smoke barriers.

- (a) Stairways serving one or more stories above the first shall be segregated from the corridors at all floor levels, except the uppermost floor, by means of a smoke barrier.
- (b) Stairways from basements shall be segregated from the first floor corridor and means of egress by a smoke barrier.
- (c) The smoke barrier between stairways and corridors shall be constructed of sixty (60) minute fire resistant material, and may have securely mounted wired glass panes not exceeding nine square feet (9 sq. ft.) each in area.
- (d) All corridors served by stairs, unenclosed at that level and being over three hundred feet (300') in length, shall be divided into two (2) approximately equal sections by smoke barriers. The barriers shall be similar in construction to partitions and doors separating stairways from corridors, except that fifty percent (50%) of the doors therein shall swing in each direction.

23-28.12-33. Fire escapes.

Fire escapes on existing buildings shall be maintained in accordance with chapter 28.8 of this title.

23-28.12-34. Drapes and scenery.

All drapes and scenery shall be rendered and maintained flame resistant in accordance with § 23-28.6-15.

23-28.12-35. Exit width.

Required width of exits and stairs or fire escapes shall be computed in accordance with the following:

- (1) Occupancy shall be determined by actual count of pupils or, where this is impracticable, by assuming one pupil for forty square feet (40 sq. ft.) of gross floor area, not including places of assembly (which are to be computed according to chapter 28.6 of this title).
- (2) Approved egress stairways or fire escapes shall provide a total aggregate width in 22-inch increments, in accordance with the following table:

Number of pupils in area of greatest occupancy served by stairs	Total width of stairs
60	22"
120	44"
180	66"
240	88"
300	110"
360	132"
420	154"
480	176"
540	198"
600	220"
660	242"
720	264"
780	286"

(3) Exit to the outside shall provide one door for each one hundred (100) persons or major fraction thereof on that floor, plus one door for each one hundred (100) persons or major fraction thereof that required stairs are designed to accommodate.

(4) Exits required for places of public assembly may, if appropriately located, be used jointly as required exits for ordinary school occupancy where total occupancy of the building at any one time will not exceed the largest capacity calculated under either chapter 28.6 of this title or this chapter.

23-28.12-36. Fire alarm systems - Fire drills - Penalties.

(a) A fire alarm system shall be installed in every school building.

(b) The operation of any manual fire alarm sending station or automatic fire detecting unit shall cause the simultaneous operation of all alarm sounding devices continually, until the tripped station is restored to normal operation, or the simultaneous operation of all alarm sounding devices for a complete cycle of not less than thirty (30) seconds has taken place.

(c) Alarm sending stations shall be located in each corridor of each story, so that from any corridor door not more than one hundred feet (100') will have to be traversed in order to reach a sending station.

(d) All manual sending stations shall be located not more than five feet (5') above the floor, and at ready, accessible, and visible points, which shall not be obstructed. All alarm sending stations shall be clearly marked 'Fire alarm' and shall be painted a distinctive red color.

(e) Automatic fire detectors shall be installed in boiler rooms, kitchens, and other hazardous areas where it is deemed necessary. Automatic fire detectors will not be required in buildings completely protected by an automatic sprinkler system or in one-story buildings having an occupancy of not more than seventy-five (75) pupils.

(f) Connections of school fire alarm systems to municipal alarm systems, central stations, or direct connected supervised systems shall be located on the outside of the building. If located in the building, the alarm sending station shall be designed to sound the school alarm system when actuated.

- (g) Direct connection shall automatically signal an alarm when activated to the local established fire department, public or volunteer.
- (h) (1) It shall be the duty of the principal or other person in charge of every public school or private school or educational institution within the state, having more than twenty-five (25) pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. There shall be fifteen (15) such drills or rapid dismissals during the school year, at least eight (8) of which shall be held during the months of September, October, and November. The remaining seven (7) such drills or rapid dismissals shall be held at the discretion of the principal or person in charge of the school. At least four (4) drills or rapid dismissals shall be obstructed, which means that one or more exits and stairways in the school building are blocked off or not used and at least two (2) of these obstructed drills shall be held during the months of September and October.
- (2) Neglect by any principal or any person in charge of any public or private school or education institution to comply with the provisions of this section shall be a misdemeanor punishable by a fine of not exceeding fifty dollars (\$50.00).
- (3) Written reports, on forms supplied by the department of elementary and secondary education, of each fire drill shall be completed immediately upon termination of every drill and shall be available for review by the fire marshal, assistant deputy fire marshal, or local fire authority. The fire marshal, assistant deputy fire marshal, or local fire authority may require that a fire drill be conducted in his or her presence.
- (i) New fire alarm systems shall comply with § 23-28.12-15.

23-28.12-37. Exit signs.

- (a) For places of assembly, see § 23-28.6-12.
- (b) Illuminated type signs bearing the word 'Exit' shall be placed at each exit from a corridor. Where an exit and/or its sign is not clearly visible from every point in the corridors served, an adequate number of directional signs shall be provided, bearing the word 'Exit' and an arrow pointing in the direction of the exit.
- (c) Exit and directional signs shall have letters at least six inches (6") high, with strokes and arrows at least three fourths inch ($\frac{3}{4}$ ") in width.
- (d) Exit and directional signs shall be illuminated at all times of building occupancy.

23-28.12-38. Emergency lighting.

- (a) Adequate artificial lighting shall be provided for the lighting of all places of assembly, corridors, passageways, stairways, ramps, fire escapes, and other means of egress leading directly to the outside.
- (b) An automatic, independent, secondary source of power for illumination shall be provided for the reasonable lighting of all places of assembly, and the corridors, passageways, stairways, ramps, fire escapes, and other means of egress direct to the outside from these places of assembly. This secondary lighting system shall be termed herein as emergency lighting.
- (c) Emergency lighting shall not be required for places of assembly which are not used at night, or for places which do not exceed one thousand five hundred square feet (1500 sq. ft.) of floor area and so located that at least one exit is direct to the outside and within five feet (5') of grade.
- (d) Acceptable types of emergency lighting systems are as follows:

- (1) Type A: A unit with attached or remote heads, powered by self-contained or centrally located restorable battery system with 24-hour recovery capacity, wired to circuits supplying energy for normal lighting in the areas being protected.
- (2) Type B: An automatically started engine generator set, capable of attaining full speed within ten (10) seconds, of the correct capacity for generating and maintaining the energy required for the full emergency illuminated load.
- (3) Type C: A second independent electrical service, as widely separated from the first as the available sources allow.
- (e) Wiring of all emergency lighting systems shall be so arranged as to throw on the emergency lighting automatically for all areas of the building that the public has access to, when the artificial lighting for any such area fails.
- (f) All wiring for emergency lighting shall be in accordance with the latest electrical code, and shall comply in every respect with accepted standards.
- (g) All emergency lighting systems shall be designed and maintained to provide illumination of three (3) foot candle intensity for stairs and exitways and one-foot candle intensity for other protected areas, for a period of not less than ninety (90) minutes. Equipment for such power shall include a push button voltmeter to indicate battery voltage and self-restoring test switch. Posted proof of monthly check inspections shall be maintained.
- (h) Battery system of over fifty (50) volts. In such systems the battery and charging equipment shall be housed in a separate room of noncombustible construction adequately vented directly to the out-of-doors and secure against unauthorized entry.
- (i) Generator sets shall be housed in a separate masonry enclosure of 2-hour fire-resistant construction with a class B type door secured against unauthorized entry. The door sill shall be six inches (6") above the floor. The room shall be adequately ventilated directly to the out-of-doors and the exhaust from the motor shall be installed in accordance with accepted safe practices.

23-28.12-39. Housekeeping.

All school buildings shall be kept clean and in tidy condition and free from accumulation of combustible debris or other waste material.

23-28.12-40. Storage of flammable liquids.

See chapters 28.20 - 28.22 of this title.

23-28.12-41. Fire extinguishers.

Every existing school shall be provided with adequate fire extinguishers as to type, location, and maintenance, and all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.12-42. Transoms.

Existing transoms and like openings in corridors and passageways shall be permanently sealed and made fire-resistant with materials of a sixty (60) minute fire rating. All opening devices shall be removed.

CHAPTER 28.13 BOARDING HOMES

Section.

- 23-28.13-1. Applicability - "Boarding homes" defined.
- 23-28.13-2. New constructions and additions.
- 23-28.13-3. Use of existing boarding homes of combustible construction.
- 23-28.13-4. Other occupancies.
- 23-28.13-5. Roofs.
- 23-28.13-6. Maximum possible occupancy.
- 23-28.13-7. Egress facilities required.
- 23-28.13-8. Egress passageways.
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- 23-28.13-10. Vertical openings.
- 23-28.13-11. Stairways.
- 23-28.13-12. Doors and doorways.
- 23-28.13-13. Fire-stopping.
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- 23-28.13-20. Decorative and acoustical materials.
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- 23-28.13-22. Fire extinguishers.
- 23-28.13-23. Space heaters.
- 23-28.13-24. Heating equipment.
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- 23-28.13-27. Boarding homes for children - Egress facilities required.
- 23-28.13-28. Boarding homes for children - Basements - Heating units.
- 23-28.13-29. Boarding homes for children - Maximum occupancy.
- 23-28.13-30. Boarding homes for children - Electrical wiring.
- 23-28.13-31. Boarding homes for children - Heating equipment - Safety devices.
- 23-28.13-32. Boarding homes for children - Fire stopping.
- 23-28.13-33. Boarding homes for children - Housekeeping.
- 23-28.13-34. Installation of smoke detectors in foster care units and in group care units.
- 23-28.13-35. [Repealed.]

23-28.13-1. Applicability - "Boarding homes" defined.

(a) The regulations contained in this chapter shall apply to all boarding homes as defined in this section, except such places as are expressly exempt in accordance with the provisions of this code.

(b) The term 'boarding home' shall mean a building used in whole or in part as a place for the boarding and care of five (5) or more persons, excluding the following: a family group of a dwelling or home, family day care homes, licensed boarding homes for children, hospitals, intermediate care facilities, and skilled nursing homes.

23-28.13-2. New constructions and additions.

Every boarding home constructed and every addition made to an existing boarding home and any building converted for use in whole or in part for a boarding home, shall be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards.

23-28.13-3. Use of existing boarding homes of combustible construction.

In combustible buildings presently used as boarding homes where any story above the first is being used, the entire building shall be completely protected by a system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards. No building may be used as a boarding home if it is more than three (3) stories in height above the basement and of combustible construction. An unoccupied area immediately below the roof shall not be considered as a story in the application of this section.

23-28.13-4. Other occupancies.

Boarding home buildings shall not contain an occupancy which is not within the immediate control of the boarding home management, and/or which is not incident to the administrative convenience or necessity, or pertinent to public health.

23-28.13-5. Roofs.

Roofs of boarding homes shall be covered with roofing which is not readily flammable.

23-28.13-6. Maximum possible occupancy.

The number of boarders housed in each room shall not exceed the rate of one person for each seventy-five square feet (75 sq. ft.) therein. The total boarder occupancy for each story as determined in this manner shall be termed as the maximum possible occupancy.

23-28.13-7. Egress facilities required.

Each story of every building used as a boarding home shall have at least two (2) approved means of egress from each story. Each boarder-occupied room shall have at least one doorway opening directly to the outside or to a corridor leading directly to, or by stairway, to the outside. Exits shall be located remote from each other, providing the best practicable means of egress for all occupants in the event fire renders one exit impassable.

23-28.13-8. Egress passageways.

- (a) Corridors and passageways from boarder-occupied rooms leading to egress stairways and then to the outside shall not be less than seventy-two inches (72") in width in new buildings or additions to existing buildings and not less than forty-eight inches (48") in existing buildings.
- (b) Corridors and passageways considered as approved means of egress shall be at least eighty-four inches (84") in height in existing buildings and ninety-six inches (96") in height in new buildings.

(c) Access to all interior and outside stairways, to fire escapes and other exits considered as approved means of egress, shall be unobstructed and shall not be through a bathroom or a room used for any other purpose that may obstruct free passage, nor shall access be veiled from open view by ornamentation, curtains, or other appurtenances.

23-28.13-9. Transoms.

Transoms and other similar openings in corridors and passageways shall not be allowed in new construction. Existing transoms and like openings in corridors and passageways shall be permanently sealed and made fire-resistant equal to the related door or sidewall construction.

23-28.13-10. Vertical openings.

(a) In all existing buildings, interior stairways constituting approved egress passageways shall be enclosed or segregated from other portions of the buildings by materials with a fire-resistant rating of not less than sixty (60) minutes. All other vertical openings throughout the buildings shall be enclosed by materials with a fire resistant rating of not less than sixty (60) minutes.

(b) In all new buildings, all vertical openings and stairways shall be enclosed with material with a fire resistant rating of not less than two (2) hours.

23-28.13-11. Stairways.

(a) Stairways in approved egress passages in existing buildings shall be not less than thirty-six inches (36") in width, and in new buildings and additions to existing buildings the stairways shall be not less than forty-four inches (44") in width exclusive of handrails.

(b) All stairways in egress passages shall have suitable handrails on both sides.

(c) Existing stairways in required egress passages shall be provided with landings at least thirty-six inches (36") in depth between the nosing of the top or bottom riser and the door openings. New stairways shall have landings at least forty-four inches (44") in depth. Intermediate landings shall be not less than the width of the stairway.

(d) Stair treads in inside required egress stairways in existing buildings shall be not less than eight inches (8") in width, exclusive of nosing, and risers shall not exceed eight and one-half inches (8½") in height. In new buildings such stair treads shall be not less than ten inches (10") wide, exclusive of nosing, and risers shall not exceed seven and one-half inches (7½") in height. Treads and risers shall be of uniform width and height in each individual stairway run.

(e) No arrangement of treads known as 'winders' shall be allowed in approved egress stairways.

(f) Ramps may be substituted for stairs in new and existing buildings, and the grade shall not exceed one foot (1') in ten feet (10') of run.

23-28.13-12. Doors and doorways.

(a) All doorways which are an approved means of egress shall be at floor level in new structures, and as near thereto as practicable in existing structures.

(b) All egress doors to the outside or into stairways or passages leading to the outside shall open out in the direction of egress travel, but this regulation shall not be construed as requiring doors from boarder-occupied rooms to open into corridors. There shall be no obstruction at any time to the opening or closing of egress doors.

(c) All egress doors in existing buildings shall be at least thirty-six inches (36") in width. Egress doors in new buildings serving stairways forty-four inches (44") in width or over shall be not less than thirty-six inches (36") in width.

(d) Egress doors into stairway enclosures and all doors serving stairways and other vertical openings shall be equipped with self-closing devices designed, installed, and maintained to automatically close the doors when not in use. All interior egress doors providing access to stairway enclosures shall be not less than one hour B label. In new buildings, the doors shall be B label one and one-half (1½) hours. Doors from occupied rooms with access to corridors shall be of solid core construction not less than one and three-fourths inches (1¾") thick or equal. Wired glass one fourth (¼) of an inch thick in the single pane, or smaller panes totaling not over six square feet (6 sq. ft.) may be used in the doors.

(e) All egress doors shall be equipped with hardware which will insure opening of the doors by a single latch with normal strength, or equipped with panic hardware which will release when pressure is applied to the releasing device in the direction of exit travel.

(f) No door shall be equipped with a lock, latch, bolt, or other fastening device which will allow for locking the door against opening from within or which will require a second operation or motion to open the door for egress purposes. No door to a boarder-occupied room shall be equipped with a locking device.

(g) No sliding door, vertical lift door, revolving door, or folding partition shall be used as a closure for a required means of egress.

23-28.13-13. Fire-stopping.

(a) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable noncombustible material, completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

(b) Exterior walls of new or changed frame construction and interior stud partitions shall be fire-stopped at each floor level by two inch (2") thick plate or masonry filling, completely closing any possible vertical opening from one story to another.

23-28.13-14. Closets and storerooms.

All closets or compartments which are used for the storage of cleaning or polishing compounds or implements shall be fire resistant for at least sixty (60) minutes from within the closet or compartment including the door thereof, which door shall be equipped with a self-closing device, or shall be equipped with proper and adequate automatic fire extinguishing equipment or automatic fire detectors.

23-28.13-15. Incinerators - Passageways to outside.

(a) Incinerators within buildings shall be loaded and fired from a vestibule or compartment segregated from the rest of the building by noncombustible construction having a fire-resistant rating of not less than two (2) hours, and having a Class B fire door equipped with a suitable closing device. Ventilating openings shall be provided direct to the outside from the enclosures by a fixed or mechanical device.

(b) In all buildings, at least one passageway from each story shall lead directly to the outdoors, or through an enclosed stairway or enclosed passageway or combination of stairway and passageway, shall lead to the outside. Where necessary, one stairway or passageway may be allowed to lead into an open space or lobby which has ample egress openings to the outside.

23-28.13-16. Exit signs.

(a) (1) All boarding homes shall be provided with exit signs in accordance with chapter 28.23 of this title.

(2) Group type A or B as specified in § 23-28.23-2 shall be required.

(b) (1) EXCEPTION: Boarding homes housing ten (10) or more boarders shall be provided with exit signs in accordance with chapter 28.23 of this title.

(2) Group type C as specified in § 23-28.23-2 shall be required.

23-28.13-17. Illumination of exit passages.

Adequate lighting shall be provided at all times for the lighting of corridors, stairways, passageways, ramps, and fire escapes.

23-28.13-18. Emergency lighting.

All boarding homes housing ten (10) or more boarders shall be provided with emergency lighting in accordance with chapter 28.24 of this title.

23-28.13-19. Fire alarms.

(a) A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in every boarding house.

(b) EXCEPTION: Buildings with accommodations for fewer than ten (10) persons shall have a fire alarm system as prescribed in § 23-28.25-4(a).

(c) IN ADDITION: A local single station AC smoke detector shall be installed in each sleeping room with either system.

23-28.13-20. Decorative and acoustical materials.

(a) All combustible decorative and acoustical material, including curtains located in corridors, passageways, stairways, lobbies, and other rooms or spaces for general boarder or public use shall be rendered and maintained flame-resistant.

(b) (1) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

(i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.

(ii) That the product used was applied in accordance with the manufacturer's specifications.

(iii) State the date of treatment and warranty period.

(2) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test as provided in subsection (b)(3).

(3) (i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one-half inches (1½ ") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and seven-sixteenths inches (2 7/16"); approximate weight twenty-nine (29) grams per hundred), applied for twelve (12) seconds.

(ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one-half inch (½") above the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.

(iii) During the exposure, flaming shall not spread over the complete length of the sample, or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(c) (1) In all new boarding homes, interior finish shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(2) All changes of interior finishes in existing boarding homes shall also conform to the regulations listed below:

(i) In all vertical means of egress and connecting passages to the outside 'Class A.'

(ii) In all access corridors 'Class B.'

(iii) In all other rooms or spaces 'Class C.'

(d) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

23-28.13-21. Hazardous occupancies.

No motor vehicle or other device which may originate or communicate fire shall be stored within boarding homes.

23-28.13-22. Fire extinguishers.

All boarding homes shall be provided with proper type fire extinguishing equipment adequate for the conditions involved and suitably located. As to type, location, and maintenance, all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.13-23. Space heaters.

Space heaters shall not be used.

23-28.13-24. Heating equipment.

(a) Central heating plants, steam boilers, and oil-fired water heaters shall be segregated from all other occupancies by walls, ceilings, and floors having a fire-resistant rating of not less than sixty (60) minutes in existing buildings, and which shall provide a reasonably smoke-tight enclosure. In new construction, the enclosure shall be of noncombustible construction having a fire-resistant rating of not less than two (2) hours.

(b) The enclosures for heating equipment shall be provided with adequate vents direct to the outside sufficient for proper combustion and exhaust. The opening shall be maintained in an open position with fixed or mechanical louvers of an approved type.

(c) Heater rooms shall only contain equipment for heating, water supply, and switchboard, and shall not be used for any other purpose.

(d) Interior doors to heater rooms in existing buildings shall be of not less than sixty (60) minutes Class B one hour fire resistant construction and shall be equipped with a positive self-closing device. In new construction, the heater room doors shall be Class B one and one-half (1½) hour type doors swinging into the heater room and equipped with a positive self-closing device. The doors shall have no hold-open device and shall be kept closed at all times.

(e) The furnaces, boilers, and other fired units shall be vented by means of reasonably gas-tight smoke pipes or breechings connected properly to a chimney constructed of brick, solid block

masonry, or reinforced concrete with suitable flue lining properly erected and maintained in a safe condition.

23-28.13-25. Housekeeping.

All boarding home premises and other occupancies within buildings containing boarding homes shall be kept clean and in a tidy condition and free from the accumulation of combustible debris or other waste material.

23-28.13-26. Attendants required.

(a) There shall be at least one attendant in residence at all times in each boarding home housing twenty-five (25) or less boarders. There shall be one additional attendant in residence at all times for more than twenty-five (25) and not more than fifty (50), and one additional attendant for each twenty-five (25) or part in excess thereof.

(b) Attendants as required in this section shall be at least eighteen (18) years of age and capable of performing the duties of evacuation. No person other than the management or a person under management control shall be considered as an attendant.

(c) In noncombustible buildings or combustible buildings completely protected by a system of automatic sprinklers, there shall be one attendant in residence at all times for each thirty-five (35) boarders or numerical fraction thereof.

(d) Nothing in this section shall be construed as waiving any requirement of the state department of health as to boarder care personnel.

23-28.13-26.1. Provisions applicable to boarding homes for children.

Sections 23-28.13-27 - 23-28.13-33 pertain to homes for the boarding of children and family day care homes licensed by the state department of children, youth, and families.

23-28.13-27. Boarding homes for children - Egress facilities required.

(a) Each story of every home used for the boarding of children shall have at least two (2) means of egress. Exits shall be located remotely from each other providing the best practicable means of egress for all occupants in the event fire renders one exit impassable.

(b) Homes not over two (2) stories in height which do not have the required two (2) means of egress from each story will require the installation of fire escapes. Windows will be approved as a means of egress, provided they can be opened to give a clear unobstructed width of not less than two feet six inches (2'6") and a height of not less than three feet (3'). Platforms with a ladder extending to within six feet (6') of the ground will be permitted. In lieu of a second means of egress, a smoke detector of a type approved by the fire marshal's office shall be properly installed and maintained in accordance with N.F.P.A. Standard 74, 1989 edition specifications. Homes above two (2) stories in height shall conform with chapter 28.8 of this title.

(c) Access to fire escapes and outside stairways shall be unobstructed and shall provide safe, adequate, and convenient means of exit.

23-28.13-28. Boarding homes for children - Basements - Heating units.

(a) The use of basements as defined in § 23-28.1-5 shall not be allowed for sleeping quarters.

(b) Levels below ground, not considered as a basement as defined in this code, and levels on grade with sleeping quarters with a central heating unit contained therein shall be segregated by

partitions and doors having a one hour fire resistant rating. Enclosures shall be provided with an air vent to the outside sufficient for proper combustion and exhaust.

23-28.13-29. Boarding homes for children - Maximum occupancy.

The number of children housed in each sleeping room and compartment shall not exceed the rate of fifty square feet (50 sq. ft.) for a child in a junior size bed and/or one infant in a bassinet for each twenty-four square feet (24 sq. ft.). The total occupancy determined in this manner shall be termed maximum occupancy.

23-28.13-30. Boarding homes for children - Electrical wiring.

- (a) All electrical wiring shall be in accordance with the national electrical code and shall comply in every respect with accepted standards.
- (b) The use of electrical extension cords for all appliances shall not be allowed.

23-28.13-31. Boarding homes for children - Heating equipment - Safety devices.

Oil and gas burners shall be equipped with proper devices for automatic lighting, controls for oil or gas flow temperatures, and other proper safety devices. Oil and gas burners also shall be installed with an auxiliary switch wired to position in location providing operation remote from any fire danger area.

23-28.13-32. Boarding homes for children - Fire stopping.

- (a) Exterior walls of frame construction and interior stud partitions shall be fire-stopped by a two inch (2") thick timber or plate or masonry filling, completely closing any possible vertical opening at the ceiling of the basement.
- (b) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable noncombustible material completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

23-28.13-33. Boarding homes for children - Housekeeping.

- (a) All homes for the boarding of children and other occupancies within buildings containing homes for boarding children shall be kept clean and in a tidy condition, and free from the accumulation of combustible debris or other waste material.
- (b) All corridors, passageways, stairways, and fire escapes shall be kept clear of all storage at all times.

23-28.13-34. Installation of smoke detectors in foster care units and in group care units.

- (a) All group care residential units in which a child is placed by the department of children, youth, and families or by any private agency, society, or institution licensed to place children shall be equipped with a hard wire smoke detector system in accordance with the provisions of §§ 23-28.34-1 - 23-28.34-5. All of the residential units in which children are placed shall be equipped with a hard wire smoke detector system listed and/or approved by underwriters factory mutual or some other nationally recognized testing laboratory approved by the state fire marshal, except any camp or tourist camp as defined in § 44-18-7(e). Each battery pack or hard wire smoke detector system shall be inspected by the department of children, youth, and families at least once each year. Installation of hard wire smoke detectors shall be completed on or before

January 1, 1995, for those group care residential units not currently in compliance with this section.

(b) All foster care units in which a foster child is placed by the department of children, youth, and families or any private agency, society or institution licensed to place children shall be equipped with either a battery pack or hard wire smoke detector system. All other provisions of this section shall otherwise apply to foster homes.

(c) In addition to the locations specified under § 23-28.35-2, approved smoke detectors required by this section shall be located in all common hallways. Any violation of this section shall be punishable by a fine of not more than one hundred dollars (\$100) for each offense.

23-28.13-35. [Repealed.]

CHAPTER 28.14 ROOMING HOUSES

Section.

- 23-28.14-1. Applicability.
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23-28.14-1. Applicability.

The regulations contained in this chapter shall apply to all rooming houses as defined in § 23-28.1-5.

23-28.14-2. Egress facilities required.

- (a) Each story of every building used as a rooming house shall have at least two (2) means of egress. Exits shall be located remote from each other, providing the best practicable means of egress for all occupants in the event fire renders one exit impassable.
- (b) Each occupied room shall have at least one door opening directly to the outside or to a corridor or stairway leading directly to the outside.

23-28.14-3. Egress passageways.

- (a) Corridors and passageways leading to stairways and then to the outside shall be not less than thirty-two inches (32") in width in existing buildings and in all new buildings hereinafter constructed not less than forty-four inches (44") in width.
- (b) Corridors and passageways considered as approved means of egress shall be at least eighty-four inches (84") in height.
- (c) Except in existing rooming houses, access to all interior and outside stairways, fire escapes, and other exits considered as approved means of egress shall be through a door from floor level, and shall be unobstructed and shall not be through a bathroom or a room used for any other purpose.
- (d) In existing rooming houses, access to fire escapes and outside stairways shall be unobstructed and shall provide safe, adequate, and convenient means of exit.

23-28.14-4. Stairways.

- (a) Stairways in approved egress passageways shall be not less than thirty-two inches (32") in width in existing buildings and in all new buildings hereinafter constructed not less than forty-four inches (44") in width, exclusive of handrail.

(b) All stairways in egress passages thirty-two inches (32") in width shall have a suitable handrail on one side. Stairways greater than thirty-six inches (36") in width shall have a suitable handrail on both sides.

(c) Stair treads in approved inside egress stairways shall be not less than eight inches (8") in width, exclusive of nosing, and risers shall not exceed eight and one half inches (8½ ") in height. In new buildings, the stair treads shall be not less than the nine inches (9") in width, exclusive of nosing, and risers shall not exceed eight inches (8") in height. Treads and risers shall be all uniform width and height in each individual stairway run in new construction.

(d) In new construction, all vertical openings including stairways shall be enclosed with materials of a fire-resistive rating of not less than sixty (60) minutes.

23-28.14-5. Doors and windows.

(a) Doorways, which are of themselves or are a part of a means of egress in new buildings and buildings hereafter converted to a rooming house, shall be at floor level and shall be not less than thirty-six inches (36") in width and not less than six feet six inches (6'6") in height. In existing buildings, doors shall be not less than two feet eight inches (2'8") in width and not less than six feet six inches (6'6") in height.

(b) Windows shall not be considered as a means of egress in new buildings or buildings hereafter converted to rooming houses. In existing rooming houses, windows will be approved as a means of egress provided they can be opened to give a clear unobstructed width of not less than two feet six inches (2'6") and a height of not less than three feet (3').

(c) Egress doors to the outside shall be equipped with hardware which will insure the opening of the door from within at all times.

(d) In newly constructed buildings, all egress doors shall be so hung as to open in the direction of exit travel.

23-28.14-6. Fire-stopping.

(a) Exterior walls of new or changed frame construction and interior stud partitions shall be fire-stopped at each floor level by a 2-inch thick plate or masonry filling, completely closing any possible vertical opening from one story to another.

(b) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable noncombustible material completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

23-28.14-7. Exit signs.

All rooming houses shall be provided with exit signs in accordance with chapter 28.23 of this title. Group type A or B as specified in § 23-28.23-2 shall be required.

23-28.14-8. Illumination of exit passages.

Adequate lighting shall be provided for the lighting of corridors, stairways, egress passages, fire escapes, and other means of egress leading directly to the outside at all times.

23-28.14-9. Fire extinguishers.

All rooming houses shall be provided with proper type fire extinguishing equipment adequate for the area involved, and suitably located. All fire extinguishers are to be installed and maintained in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.14-10. Housekeeping.

- (a) All rooming house premises and other occupancies within buildings containing rooming houses shall be kept clean and in a tidy condition, and free from accumulation of combustible debris or other waste material.
- (b) All corridors, passageways, stairways, and fire escapes shall be kept free and clear of all storage at all times.

23-28.14-11. Decorative and acoustical materials.

- (a) (1) All combustible decorative and acoustical materials, and curtains located in corridors, passageways, stairways and lobbies, shall be rendered and maintained flame resistant. This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, provided the surface will not be readily flammable and will not carry or communicate fire.
- (2) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing office certifying to the following:
 - (i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.
 - (ii) That the product used was applied in accordance with the manufacturer's specifications.
 - (iii) State the date of treatment and warranty period.
- (3) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test as provided in subsection (a)(4).
- (4) (i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one-half inches (1½") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and seven-sixteenths inches (2 7/16"); approximate weight twenty-nine (29) grams per hundred), applied for twelve (12) seconds.
- (ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one-half inch (½") above the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.
- (iii) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.
- (b) (1) In all new rooming houses, interior finish shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5, and shall not exceed the following classifications for the locations indicated.
- (2) All changes of interior finishes in existing rooming houses shall also conform to the regulations listed below:
 - (i) In all vertical means of egress and connecting passages to the outside 'Class A.'
 - (ii) In all access corridors 'Class B.'
 - (iii) In all other rooms or spaces 'Class C.'

(c) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

23-28.14-12. Fire alarm.

(a) A fire alarm system as prescribed in chapter 23-28.34 shall be installed in every rooming house.

(b) IN ADDITION: A local single station AC smoke detector shall be installed in every sleeping room.

23-28.14-13. Sprinklers required.

Every rooming house hereafter constructed and every addition hereafter made to an existing rooming house and any building hereafter converted for use in whole or in part for a rooming house, shall be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards.

CHAPTER 28.15

CHILD DAY CARE CENTERS

Sec.

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- 23-28.15-1.3. Enforcement of fire safety regulations.
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- 23-28.15-16. Housekeeping.
- 23-28.15-17. Evacuation plan.
- 23-28.15-18. Decorative and acoustical materials.
- 23-28.15-19. Emergency lighting.
- 23-28.15-20. [Repealed.]
- 23-28.15-21. Release of children to proper persons.
- 23-28.15-22. Cardiopulmonary resuscitation training.
- 23-28.15-23. Smoking prohibited.

23-28.15-1. Applicability.

The regulations contained in this chapter shall apply to all buildings in which are located child day care centers as defined in § 23-28.1-5, except when such child day care centers are located in occupancies defined as 'boarding home' and 'schools'.

23-28.15-1.1. Group family day care homes.

'Group family day care homes' as defined in § 23-28.15-1.2 shall be governed by N.F.P.A. Standard No. 101, 1988 edition, § 10-8 and its related standards, chapters and sections.

23-28.15-1.2. Group family day care defined.

'Group family day care home' means a residence occupied by an individual of at least twenty-one (21) years of age who provides care for not less than nine (9) and not more than twelve (12) children, with the assistance of one or more approved adults, for any part of a twenty-four (24) hour day. The maximum of twelve (12) children shall include children under six (6) years of age who are living in the home, school-age children under the age of twelve (12) years whether they

are living in the home or are received for care, and children related to the provider who are received for care.

23-28.15-1.3. Enforcement of fire safety regulations.

The authority having jurisdiction for the enforcement of fire safety regulations in group family day care homes shall be the state fire marshal, deputy state fire marshal and assistant deputy state fire marshal.

23-28.15-2. Heating equipment.

(a) Central heating plants, steam boilers, and oil-fired water heaters shall be segregated from all other occupancies by walls, ceiling, and floor having a fire-resistant rating of not less than sixty (60) minutes, which shall provide a reasonably smoke-tight enclosure. In new buildings, the enclosure shall be of not less than two (2) hour fire-resistant construction.

(b) The enclosure for heating equipment shall be provided with adequate vents direct to the outside sufficient for proper combustion and exhaust. The openings shall be maintained in an open position with fixed or mechanical louvers of an approved type.

(c) Heater rooms shall contain only equipment for heating, water, and/or switchboard, and shall not be used for any other purpose.

(d) Interior doors to heater rooms shall open inward and shall be of the same fire resistance required for segregating partitions, and shall be equipped with a positive self-closing device. The doors shall have no hold-open devices, and shall be kept closed at all times.

(e) Furnaces, boilers, and other fired units shall be vented to a chimney by means of a gas-tight smokepipe. In new construction, chimneys shall be constructed of brick, solid masonry, reinforced concrete, steel, or stone, with suitable flue lining erected and maintained in a safe condition.

(f) Oil burners. See § 23-28.9-4.

23-28.15-3. Incinerators.

Incinerators within buildings shall be loaded and fired from a vestibule or compartment segregated from the rest of the building by noncombustible construction having a fire-resistant rating of not less than two (2) hours, having a Class B one and one-half (1½) hour fire door equipped with a positive self-closing device, and with no hold-open device. Ventilating openings shall be provided direct to the outside by fixed or mechanical louvers of an approved type from the enclosures.

23-28.15-4. Space heaters.

Space heaters shall not be used.

23-28.15-5. Hazardous occupancy.

No child day care center shall be located in a building containing any manufacturing or commercial occupancy which contains materials and/or equipment which is hazardous.

23-28.15-6. Use of combustible buildings.

(a) In combustible buildings presently used as child day care centers, only the first and second stories may be used as such. In combustible buildings hereafter constructed for or converted to child day care centers, only the first story may be so used except that in buildings completely

protected by a system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards, the second story may be used.

(b) No child day care center shall be located in any basement which contains equipment and/or materials which, in the opinion of the authority having jurisdiction, constitutes a hazard to life and safety.

23-28.15-7. Egress facilities required.

(a) In buildings used as child day care centers, there shall be at least two (2) approved means of egress from each occupied level. Each room used for child day care center activity shall have at least one doorway opening directly to the outside or to a corridor or space having access to two (2) means of egress directly to the outside. Exits shall be located remote from each other, providing the best practical means of egress for all occupants in the event fire renders one exit impassable.

(b) In all buildings, at least one passageway from each occupied level shall lead directly to the outdoors or through an enclosed stairway or enclosed passageway or a combination of the stairway and passageway to the outside. Where necessary, one stairway or passageway may be allowed to lead through an open space or lobby which has ample egress opening to the outside.

(c) Exits from each floor shall be so arranged that it will not be necessary to travel more than one hundred feet (100') from any one point in a building to reach the nearest approved means of egress from that story. In sprinklered buildings, travel may be increased to one hundred and fifty feet (150').

23-28.15-8. Egress passageways.

(a) Corridors and passageways from occupied rooms leading to egress stairways and then to the outside shall be not less than thirty inches (30") in width in existing buildings and not less than forty-four inches (44") in width in newly constructed buildings.

(b) Access to all interior and outside stairways to fire escapes and other exits considered as approved means of egress shall be unobstructed, and shall not be through a bathroom or a room used for any other purpose that may obstruct free passage, nor shall access be veiled from open view by ornamentation, curtains, or other appurtenances.

23-28.15-9. Vertical openings.

(a) In all buildings, interior stairways constituting approved egress passageways shall be enclosed and segregated from other portions of the building by material with a fire resistant rating of not less than sixty (60) minutes. All other vertical openings shall be enclosed by materials with a fire resistant rating of not less than sixty (60) minutes.

(b) (1) Elevators will not be considered as approved means of egress, and all new elevator shafts shall be enclosed by noncombustible materials with a fire resistant rating of not less than two (2) hours, existing elevators shall be enclosed by noncombustible materials with a fire resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class B label one and one-half (1½) hour in new elevators, and in existing elevators, Class B label one hour, and the doorways shall be made smoke-tight when the doors are closed.

(2) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the department of labor and training.

23-28.15-10. Stairways.

- (a) Stairways in approved egress passages in existing buildings shall be not less than thirty-six inches (36") in width, and in newly constructed buildings not less than forty-four inches (44") in width.
- (b) In existing buildings, all stairways in approved egress passages shall have stair treads of not less than eight inches (8") in width, exclusive of nosing, and risers shall not exceed eight and one-half inches (8½") in height. In newly constructed buildings, all stairways in approved egress passages shall have stair treads of not less than eleven inches (11") in depth, and risers shall not exceed seven inches (7") in height.
- (c) In existing buildings, all stairways in approved egress passages shall be provided with landings at least thirty-six inches (36") in depth between the nosing of the top or bottom riser and the door opening. In newly constructed buildings, all stairways in approved egress passages shall be provided with landings at least forty-four inches (44") in depth between the nosing of the top or bottom riser and the door opening.
- (d) No arrangement of treads known as 'winders' shall be allowed in approved egress stairways.
- (e) All egress stairways shall have suitable handrails on both sides. On stairs that will be used extensively by children five (5) years of age or younger, additional handrails shall be attached at a height between two feet (2') and two feet six inches (2'6") vertically above the intersection of the treads and risers at the nosing.
- (f) There shall be no closets or other storage areas of any kind within or beneath stair enclosures.

23-28.15-11. Doors and doorways.

- (a) All doorways which are approved means of egress shall be at floor level.
- (b) All egress doors to the outside or into stairways or passageways leading to the outside shall open out in the direction of egress travel, but this regulation shall not be construed as requiring doors from children-occupied rooms to open into the corridors. There shall be no obstruction at any time to the opening or closing of egress doors.
- (c) All egress doors shall be at least thirty-two inches (32") in width in existing buildings and not less than thirty-six inches (36") in width in newly constructed buildings.
- (d) Egress doors into stair enclosures, and all doors serving stairways or other vertical openings shall be equipped with self-closing devices designed, installed, and maintained to automatically close the doors when not in use. All interior egress doors providing access to stairway enclosures shall be Class B label one hour fire-resistant.
- (e) All egress doors shall be equipped with hardware which will insure opening of the doors by a single motion such as the turning of a knob or pressure of a latch, or shall be equipped with panic hardware which will release when pressure is applied to the releasing device in the direction of exit travel.
- (f) No egress door from a child-occupied room to stairway enclosures or to the outside shall be equipped with a lock, latch, bolt, or other fastening device which will allow for locking the door against opening from within, or which will require a second operation or motion to open the door for egress purposes.
- (g) No sliding door, vertical lift door, revolving door, or folding partition or gate shall be used as a closure for a required means of egress.

23-28.15-12. Exit signs.

All child day care centers with ten (10) or more children shall be provided with exit signs in accordance with chapter 28.23 of this title. Group type C specified in § 23-28.23-2 shall be required. Excepted from the requirement of exit signs are structures occupied in daylight hours with skylights or windows arranged to provide, during these hours, the required level of illumination on all portions of the means of egress.

23-28.15-13. Fire alarms.

(a) A full coverage fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in all child day care centers.

(b) EXCEPTION: A fire alarm system as prescribed in § 23-28.25-4(a) shall be installed in all child day care centers used for the gathering of nineteen (19) or less children and under three thousand square feet (3,000 sq. ft.) located on a ground floor or first floor.

23-28.15-14. Fire-stopping.

(a) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable noncombustible material completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

(b) In exterior walls of new or changed frame construction and interior stud partitions, they shall be fire-stopped at each floor level by a two inch (2") thick plate or masonry filling, completely closing any possible vertical opening from one story to another.

23-28.15-15. Fire extinguishers.

All child day care centers shall be provided with proper type fire extinguishing equipment adequate for the conditions involved and suitably located. All fire extinguishing equipment shall be installed and maintained by N.F.P.A. Standard 10, 1988 edition.

23-28.15-16. Housekeeping.

(a) All child day care center buildings shall be kept clean and in tidy condition free from the accumulation of combustible debris and other waste material.

(b) All corridors, passageways, stairways, and fire escapes shall be kept free and clear of all storage and/or obstructions at all times.

23-28.15-17. Evacuation plan.

The management of each child day care center shall formulate a plan for the protection of all children in the event of fire or other emergency and their evacuation to areas of refuge outside of the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. The evacuation plan shall be posted in a conspicuous place.

23-28.15-18. Decorative and acoustical materials.

(a) (1) All combustible decorative and acoustical materials, and curtains located in corridors, passageways, stairways, and lobbies, shall be rendered and maintained flame resistant. This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, provided the surface will not be readily flammable and will not carry or communicate fire.

(2) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

(i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.

(ii) That the product used was applied in accordance with the manufacturer's specifications.

(iii) State the date of treatment and warranty period.

(3) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field test as provided in subsection (a)(4).

(4) (i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one-half inches (1½") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and seven-sixteenths inches (2 7/16"); approximate weight twenty-nine (29) grams per hundred), applied for twelve (12) seconds.

(ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one-half inch (½") above the bottom of the flame. After twelve (12) seconds of exposure, the match is to be removed gently away from the sample.

(iii) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(b) (1) In all new child day care centers, interior finish shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(2) All changes of interior finishes in existing child day care centers shall also conform to the regulations listed below:

(i) In all vertical means of egress and connecting passages to the outside 'Class A.'

(ii) In all access corridors 'Class B.'

(iii) In all other rooms or spaces 'Class C.'

(c) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

23-28.15-19. Emergency lighting.

(a) All child day care centers with ten (10) or more children shall be provided with emergency lighting in accordance with chapter 28.24 of this title.

(b) Exceptions from the requirements of emergency lighting:

(1) Child day care centers under three thousand square feet (3000 sq. ft.) located on the ground floor or first floor.

(2) Structures occupied only in daylight hours with skylights or windows arranged to provide, during these hours, the required level of illumination on all portions of the means of egress.

23-28.15-20. [Repealed.]

23-28.15-21. Release of children to proper persons.

- (a) Every operator or employee of a child day care center, prior to releasing physical custody of any child to any person, shall first insure that the person to whom physical custody is released is a proper person for the child's custody.
- (b) A proper person for the child's custody shall be a person whose name has been furnished and updated annually to the child day care center by a parent or legal guardian of the child, and whose identity can be verified by a proper identification card bearing his or her photograph.

23-28.15-22. Cardiopulmonary resuscitation training.

All day care centers shall require that at least fifty percent (50%) of their personnel have current certifications in the life-saving technique, including the children and infant technique, known as cardiopulmonary resuscitation (CPR), in accordance with the criteria submitted by the American Heart Association, Rhode Island Affiliate, Inc., or the American Red Cross Greater Rhode Island Chapter, such as has been submitted to the department of elementary and secondary education pursuant to the provisions of § 23-6.1-3. Provided, further that at least one staff member with a current certification in CPR shall be on duty at all times during regular operating hours of a day care center.

23-28.15-23. Smoking prohibited.

- (a) No person shall smoke, chew, or otherwise use tobacco products in the buildings or outdoor play areas of a licensed child day care center, as defined in § 23-28.1-5(21), or in any vehicle used by the center for transporting children or in outside areas on the grounds or premises within twenty-five (25') feet of buildings or outdoor play areas; provided, further, that smoking shall not occur in any area on the grounds or premises within the children's view. The administrator of a child day care center shall post in a conspicuous place in the center a notice stating that smoking is prohibited in the facility and its vehicles and on its grounds.
- (b) No person shall smoke, chew, or otherwise use tobacco products within the household or outdoor play areas of a family day care home as defined in § 23-28.1-5(33) or a group family day care home as defined in § 23-28.15-1.2 or in outside areas on the grounds or premises within twenty-five (25') feet of the home or outdoor play areas; nor shall smoking occur in any area on the grounds or premises within the children's view, during the period of time when individuals receiving day care services are present. Smoking may be permitted during hours in which individuals receiving day care are not present; provided, however, that the day care provider shall notify the parent, custodian, or guardian of each individual receiving day care services that smoking routinely occurs in the home during hours when the home is not in operation.
- (c) For purposes of this section, 'tobacco product usage' means the smoking or use of any substance or item which contains tobacco, including but not limited to cigarettes, cigars, pipes, or other smoking tobacco, or the use of snuff or smokeless tobacco, or having in one's possession a lit cigarette, cigar, pipe, or other publicly visible substance or item containing tobacco.
- (d) Nothing in this section shall be construed to prohibit a city or town from enacting or enforcing an ordinance relating to tobacco use in a facility providing day care services if the ordinance is more stringent than this section.

CHAPTER 28.16 APARTMENT HOUSES

Section.

- 23-28.16-1. Applicability.
- 23-28.16-2. Egress facilities required.
- 23-28.16-3. Egress passageways.
- 23-28.16-4. Transoms.
- 23-28.16-5. Stairways and other vertical openings.
- 23-28.16-6. Egress doors.
- 23-28.16-7. Construction.
- 23-28.16-8. Hazardous occupancies.
- 23-28.16-9. Fire walls.
- 23-28.16-10. Fire-stopping.
- 23-28.16-11. Exit signs.
- 23-28.16-12. Emergency lighting.
- 23-28.16-13. Extinguishing equipment required.
- 23-28.16-14. Sprinklers required.
- 23-28.16-15. Decorative and acoustical material.
- 23-28.16-16. Alarms.
- 23-28.16-17. Housekeeping.
- 23-28.16-18. [Repealed.]

23-28.16-1. Applicability.

- (a) The regulations contained in this chapter shall apply to all apartment houses, as defined in § 23-28.1-5, except such places as are expressly exempt in accordance with the provisions of this code.
- (b) Fire escapes and other outdoor stairways, heating, cooking, and ventilating facilities, fire alarms, exit signs, and the use of electric wiring and appliances shall be covered by special articles related thereto.

23-28.16-2. Egress facilities required.

- (a) All apartment houses shall be provided with approved egress facilities as required under the provisions of this code.
- (b) (1) No less than two (2) approved means of egress shall be provided from each story of every apartment house.
- (2) EXCEPTION: Apartment houses not over two (2) stories in height, for not more than eight (8) families nor more than four (4) families per story, may have one approved means of egress from each story or fire subdivision provided:
 - (i) The distance of travel to the one required exit shall not exceed thirty-five feet (35');
 - (ii) All corridors serving as access to exits shall have at least a one-hour fire-resistance rating;
 - (iii) The one required exit is a smokeproof tower or an outside stair or an interior stairway. The interior stairway shall be enclosed with partitions having a fire-resistance rating of at least one hour with self-closing one hour fire-rated doors protecting all openings between the stairway enclosure and the building; and
 - (iv) The exit does not serve more than one-half (½) story below the level of exit discharge.

(c) Exits from each floor shall be arranged so that it will not be necessary to travel more than one hundred feet (100') from a living unit entrance door to reach the nearest approved exit from the story. In buildings which are completely sprinklered, this distance may be one hundred fifty feet (150').

(d) Every sleeping room, unless it has two (2) doors providing separate ways of escape, or has a door leading directly to the outside of the building, shall have at least one outside window which can be opened from the inside without the use of tools and of such design that it may serve as an emergency exit if the normal avenues of escape are blocked. The sill of the windows shall not be more than forty-four inches (44") above the floor.

(e) Exits shall be remote from each other and so arranged as to minimize any probability that both exits may be blocked or made impassable by one fire or other emergency.

(f) Walls separating exit access corridors from living units shall have a fire-resistance rating of at least one hour.

23-28.16-3. Egress passageways.

(a) Access to all interior and outside stairways, to fire escapes and other exits considered as approved means of egress, shall be unobstructed and shall not be through a room used as a bedroom, bathroom, or kitchen, or for any other purpose that may obstruct free passage, nor shall access be veiled from open view by ornamentation, curtains, or other appurtenances.

(b) All corridors and passageways in new buildings considered as approved means of egress, shall be at least forty-two inches (42") in width and seventy-eight inches (78") in height, and of such greater width as conditions require. All corridors and passageways now existing shall be at least twenty-eight inches (28") in width and at least seventy-four inches (74") in height in order to be considered as approved means of egress. Exception is that fire protection equipment may protrude no more than eight and one-half inches (8½").

(c) All doorways which are of themselves, or are a part of, approved means of egress, shall be at floor level in new structures, and as near thereto as practicable in existing structures. Windows shall not be considered as approved means of egress.

(d) Passageways and all doors leading from inside stairways to the outside shall have the same fire-resistant quality as required of the connecting stairway in accordance with subsection (a) of § 23-28.16-5 and subsection (b) of § 23-28.16-7.

(e) All approved egress passageways shall at all times provide free, unobstructed, and safe passage to the street or to a ground area of refuge.

23-28.16-4. Transoms.

Transoms and other openings in interior corridors or passageways shall not be allowed. Existing transoms and like openings in corridors and passageways shall be permanently sealed and made fire resistant with materials of a sixty (60) minute fire rating. All opening devices shall be removed.

23-28.16-5. Stairways and other vertical openings.

(a) (1) Every existing interior stairway constituting an approved egress passage from any story of an apartment house shall be enclosed or be segregated from other portions of the building by materials with a fire resistant rating of not less than one hour. All required stairways shall lead directly to the outdoors or to an enclosed passageway leading to the outdoors constructed to resist fire to the same degree as the stairway. One of the required stairways may be allowed to

lead through an open space or lobby provided the space or lobby has ample egress openings to the outside at grade. All other vertical openings throughout the buildings shall be enclosed by material with a fire resistance rating of not less than one hour. (See § 23-28.16-7(b) for new construction).

(2) EXCEPTION 1: There shall be no unprotected vertical opening or stairway in any building or fire section with only one exit.

(3) EXCEPTION 2: Stairway enclosures shall not be required where a one story stair connects two (2) levels within a single dwelling unit.

(b) (1) Elevators will not be considered as approved means of egress, and all new elevator and dumbwaiter shafts shall be enclosed by noncombustible materials with a fire resistant rating of not less than two (2) hours, and existing elevators shall be enclosed by noncombustible materials with a fire resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class B label one and one-half (1½) hour in new elevators, and in existing elevators Class B label one hour, and the doorways shall be made smoke-tight when the doors are closed.

(2) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the department of labor and training.

(c) All stairways in approved egress passages shall have suitable handrails on both sides, except such stairs as are less than three feet (3') in width, which stairs shall have one handrail.

(d) Stairways in approved egress passages in existing apartment houses shall be not less than thirty-two inches (32") in width and in new buildings and additions to existing buildings, the stairways shall be not less than forty-two inches (42") in width, exclusive of handrails projecting not more than three and one-half inches (3½") into the required stair width.

(e) Existing stairways in approved egress passages shall be provided with landings at least thirty-two inches (32") in depth between the nosing of the top or bottom stair and the next parallel partition or door. New stairways shall have landings at least forty-four inches (44") in depth.

(f) Stair treads in approved inside egress passages in existing structures shall be not less than eight inches (8") wide, exclusive of nosing, and risers shall not exceed eight and one-half inches (8½") in height. In new buildings the stair treads shall be not less than nine and one-half inches (9 1/2") wide, exclusive of nosing, and risers shall not exceed seven and three-fourths inches (7 3/4") in height. Treads and risers shall be of uniform width and height in each individual stairway.

23-28.16-6. Egress doors.

(a) Doors in approved egress passages into stairways and to the outside shall be so hung as to open in the direction of exit travel, but this requirement shall not be construed to prohibit ground floor entrance doors swinging both inward and outward. The doors shall not be so hung as to obstruct egress passage.

(b) Doors into required stairway enclosures, all doors serving other vertical openings, and doors in side wall openings in enclosed egress passages, except doors to the outside, shall be equipped with suitable self-closing devices, maintained in operating condition. The doors shall not be equipped with devices intended for holding the doors in an open position, and they shall not be otherwise so held.

- (c) Doors and jambs in walls or partitions required to be fire-resistant shall be equally fire-resistant, and shall be constructed and maintained close fitting and reasonably smoke tight.
- (d) Doors in a partition required to be fire-resistant may contain a single wired-glass panel where necessary, provided, the glass shall not exceed one hundred square inches (100 sq. in.) per opening.
- (e) Doors in existing approved egress passages shall be not less than thirty-two inches (32") in width. When serving approved egress passages, new doors in existing structures and all doors in new structures shall be not less than thirty-six inches (36") in width and seventy-eight inches (78") in height, except that each leaf of a double or mullion door may be not less than thirty inches (30") wide.
- (f) Egress doors leading to the outside or into an enclosed passageway leading to the outside shall be equipped with a lock, latch, or other fastening device that shall not require the use of a key for operation from the inside of the building.
- (g) Revolving doors shall not be considered as approved means of egress.
- (h) Doors leading to apartments may be a minimum of thirty-two inches (32") wide and a minimum of seventy-eight inches (78") in height.

23-28.16-7. Construction.

- (a) Every apartment house hereafter constructed, every addition hereafter made to any apartment house, and every building hereafter converted for the purposes of an apartment house, shall be of noncombustible construction if more than three (3) stories above the basement of any portion of the building is used or intended for use by family units or employees.
- (b) All vertical openings, including stairways and passageways to the outdoors, in all new buildings, additions to existing buildings, or buildings hereafter converted for the purpose of an apartment house, shall be enclosed by material with a fire-resistant rating of at least two (2) hours, except that an enclosure shall not be required for a flight of stairs in a noncombustible building when the stairs connect only one story with one other story immediately above or below it, and provided that at least one passageway for each floor of the building shall lead directly to the outdoors by stairways or passageways, or a combination of both, enclosed completely by fire-resistant material of such rating.

23-28.16-8. Hazardous occupancies.

No combustible building shall contain a Class 1, 2, or 3 dry cleaning establishment as defined in special regulations governing such establishments or other commercial occupancy using flammable liquids, or any other storage of materials or equipment of high hazard, unless such occupancy is completely segregated from the apartment house premises by unpierced walls with a fire-resistant rating of not less than two (2) hours, and by a ceiling and floors of material with the same fire-resistive rating.

23-28.16-9. Fire walls.

- (a) Fire walls shall be installed to subdivide the building into sections not greater than two hundred feet (200') in length. The walls will have a two (2) hour fire resistance rating. In buildings required to be of noncombustible construction, fire partitions with a two (2) hour fire resistance rating may be used.
- (b) EXCEPTION 1: In buildings equipped with complete sprinkler protection the length may be increased to three hundred feet (300').

(c) EXCEPTION 2: Buildings with only one exit per floor or fire section shall be separated by the walls into units of four (4) family dwellings per floor.

23-28.16-10. Fire-stopping.

(a) Exterior walls of new or changed frame construction and interior stud partitions shall be fire-stopped at each floor level by a two inch (2") thick plate or masonry filling, completely closing any possible vertical opening from one story to another.

(b) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable noncombustible material completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

23-28.16-11. Exit signs.

(a) (1) All apartment houses requiring more than one exit shall be provided with exit signs in accordance with chapter 28.23 of this title.

(2) Group type A or B as specified in § 23-28.23-2 shall be required.

(b) EXCEPTION: Apartment houses or sections of apartment houses between fire division walls having eight (8) or more apartment units, shall be provided with exit signs in accordance with chapter 28.23 of this title, group type C as specified in § 23-28.23-2, shall be required.

23-28.16-12. Emergency lighting.

(a) Apartment houses or sections of apartment houses between fire division walls having eight (8) or more apartments shall be provided with emergency lighting in accordance with chapter 28.24 of this title.

(b) EXCEPTION: Where each guest room has a direct exit to the outside of the building at ground level (as in motels) no emergency lighting shall be required.

23-28.16-13. Extinguishing equipment required.

All apartment houses shall be provided with proper fire extinguishing equipment adequate for the area involved and suitably located. As to type, location, and maintenance, all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition. The term 'extinguishing equipment' as used in this section shall not include automatic sprinklers.

23-28.16-14. Sprinklers required.

(a) All new apartment houses, every addition hereafter made to an apartment house, and every building hereafter converted for the purposes of an apartment house, which are either more than three (3) stories in height above the basement or contain more than six (6) living units between fire walls, shall be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition, and its related standards. An attic or space immediately below a roof shall not be considered as a story in the application of this section.

(b) All existing apartment houses constructed wholly or in part of combustible materials, which have sleeping accommodations for family members or employees above the third story, shall be completely protected by an approved system of automatic sprinklers in accordance with N.F.P.A. Standard 13, 1989 and its related standards.

23-28.16-15. Decorative and acoustical material.

(a) (1) All combustible decorative and acoustical material, including curtains, streamers, and other paper and decorative materials, but not including floor coverings, located in all corridors, passageways, and in lobbies and other rooms or spaces for general guest or public use, shall be rendered and maintained flame resistant. This regulation shall not be construed to prohibit the use of wall or ceiling coverings affixed directly to the wall or ceiling, provided the surface will not be readily flammable.

(2) All approvals of decorative materials shall be limited to one year. The owner or the owner's authorized agent shall file an affidavit with the enforcing officer certifying to the following:

(i) The product used will render the decorative material flame resistant in accordance with N.F.P.A. Standard 701, 1989 edition.

(ii) That the product used was applied in accordance with the manufacturer's specifications.

(iii) State the date of treatment and warranty period.

(3) When a doubt exists as to the fire retardant quality or the permanency of treatment, material shall be subject to the field check test as provided in subsection (a)(4).

(4) (i) Samples, in dry condition, are to be selected for tests and are to be a minimum of one and one-half inches (1½") wide and four inches (4") long. The fire exposure shall be the flame from a common wood kitchen match (approximate length two and seven-sixteenths inches (2 7/16")); approximate weight twenty-nine (29) grams per hundred), applied for twelve (12) seconds.

(ii) The test shall be performed in a draft-free and safe location. The sample shall be suspended (preferably held with a spring clip, tongs or some similar device) with the long axis vertical, with the flame applied to the center of the bottom edge, and the bottom edge one-half inch (½") above the bottom of the flame. After twelve (12) seconds of exposure the match is to be removed gently away from the sample.

(iii) During the exposure, flaming shall not spread over the complete length of the sample or in excess of four inches (4") from the bottom of the sample (for larger size samples). There shall be not more than two (2) seconds of afterflaming. Materials which break and drip flaming particles shall be rejected if the materials continue to burn after they reach the floor.

(b) The interior finish shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5 and shall not exceed the following classifications for the locations indicated:

(1) In all vertical means of egress 'Class A.'

(2) In all horizontal means of egress 'Class B.'

(3) In all other rooms or spaces 'Class C.'

(c) Floor coverings must conform to the requirements of the next class lower than the classifications above, but in no instance should they be less than 'Class C,' except that in sprinklered buildings all floor coverings may be 'Class C' throughout.

23-28.16-16. Alarms.

(a) Every apartment house shall have a fire alarm system installed as follows:

(1) Buildings containing more than three (3) and less than eight (8) living units shall have a local fire alarm system as described in § 23-28.25-4(a).

(2) Buildings containing eight (8) or more living units shall have a fire alarm system as described in § 23-28.25-4(b)

(3) Buildings classified as high rise (more than six (6) stories or seventy-five feet (75') in height) shall have a fire alarm system as described in § 23-28.25-4(c).

(b) IN ADDITION: All living units shall have a smoke detection system as described in §§ 23-28.34-2 - 23-28.34-4.

23-28.16-17. Housekeeping.

All apartment house premises and other occupancies within buildings containing apartment houses shall be kept clean and in tidy condition, and free from accumulation of combustible debris or other waste material.

CHAPTER 28.17

INDUSTRIAL, MERCANTILE, BUSINESS, AND STORAGE BUILDINGS

Section.

- 23-28.17-1. Applicability.
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- 23-28.17-11. Emergency lighting.
- 23-28.17-12. Extinguishing equipment required.
- 23-28.17-13. Sprinklers required.
- 23-28.17-14. Fire alarm systems.
- 23-28.17-15. Covered malls.
- 23-28.17-16. [Repealed.]

23-28.17-1. Applicability.

- (a) The regulations contained in this chapter shall apply to all industrial, mercantile, business, and storage buildings, as defined in § 23-28.1-5, except such places as are expressly exempt in accordance with the provisions of this code.
- (b) Fire escapes and other outdoor stairways, heating, cooking, and ventilating facilities, and the use of electric wiring and appliances shall be covered by special articles related thereto.

23-28.17-2. Egress facilities required.

- (a) All industrial, mercantile, business, and storage buildings shall be provided with approved egress facilities as required under the provisions of this code.
- (b) No less than two (2) approved means of egress shall be provided from every story of every building, except:
 - (1) In business use groups only, not more than two (2) stories in height and not more than three thousand square feet (3000 sq. ft.) per floor, the maximum distance of travel to the one required exit, shall not exceed seventy-five feet (75'), and the stairs shall be enclosed with one hour fire resistant material with three-fourths (3/4) hour fire doors.
 - (2) Only one exitway shall be required in buildings in the mercantile use group of one story, when the travel distance to the exit is not more than seventy-five (75) feet and not more than fifty (50) occupants.
 - (3) All occupancies which are licensed for the sale of alcoholic beverages for consumption on the premises shall be provided with two (2) means of egress. Where practical difficulties are encountered in providing two (2) approved exits in existing occupancies, the local fire authority may approve an emergency exit.
- (c) Exits from each floor shall be so located that the maximum length of exitway access travel, measured from the most remote point to an approved exitway along the natural and unobstructed

line of travel, shall not exceed the distance given in the following table, except where the area is subdivided into rooms or compartments, and the egress travel in the room or compartment is not greater than fifty feet (50') (one hundred feet (100') in use groups equipped with an automatic fire suppression system), the distance shall be measured from the exitway access entrance to the nearest exitway. Where complete suppression systems are required under this code, this subsection shall apply.

Length of Exitway Access Travel (Ft.)		
Use Group	<u>Without</u> fire suppression system	<u>With</u> an approved fire suppression system
High Hazard	---	75
Storage, moderate hazard	200	300
Storage, low hazard	300	400
Mercantile	100	200
Industrial	200	300
Business	200	300

- (d) Exits shall be located remote from each other, providing the best practicable means of egress from that story, in the event fire renders one other exit impassable.
- (e) In existing occupancies of business and/or mercantile use groups with not more than twenty-five hundred square feet (2500 sq. ft.), the one required exit door on the grade floor only may be allowed to open against the direction of exit travel where it is deemed impracticable by the authority having jurisdiction to swing the door in the direction of travel.

23-28.17-3. Egress passageways.

- (a) Access to all interior and outside stairways and other exits, considered as approved means of egress, shall be unobstructed and clearly distinguishable.
- (b) The effective width of the lobby or other enclosed passageways shall be not less than three-quarters (3/4) of the aggregate width of all required exitway stairways leading thereto and all required exitway doorways opening into the passageway. The passageways shall have a minimum width of forty-four inches (44") and a minimum clear ceiling height of eight feet (8').
- (c) Passageways from inside stairways to the outside shall have the same fire-resistant rating as required in stairways, by this code in § 23-28.7-5(a) and § 23-28.7-7(b).
- (d) All approved egress passageways shall at all times provide free, unobstructed, and safe passage to the street or to a ground area of refuge.

23-28.17-4. Stairways and other vertical openings.

- (a) Every existing interior stairway constituting approved egress passage from any story of an industrial, mercantile, business, or storage building shall be enclosed or be segregated from other portions of the building by material and construction of a fire resistant rating of not less than sixty (60) minutes; provided, that the segregation shall not be required in sprinklered, non-combustible buildings connecting three (3) adjacent stories; and provided further that partitions

or segregation shall not be required for a flights of stairs connecting two (2) adjacent stories in a non-combustible building which is not sprinklered. At least one stairway, and additional stairways where necessary, shall lead directly to the outdoors or to an enclosed passageway leading to the outdoors, constructed to resist fire to the same degree. One stairway, where necessary, may be allowed to lead through an open space of a lobby with ample egress openings to the outside. All other vertical openings throughout the buildings shall be enclosed by material with a fire resistant rating of not less than sixty (60) minutes. (See § 23-28.17-6 for new construction requirements.)

(b) (1) Elevators will not be considered as approved means of egress, and all new elevator shafts shall be enclosed by non-combustible materials with a fire resistant rating of not less than two (2) hours, existing elevators shall be enclosed by non-combustible materials with a fire resistant rating of not less than sixty (60) minutes. No opening shall be allowed through the side wall enclosures for ventilating or other purposes, except to an outside wall. All doors servicing elevators shall be Class 'B' label one and one-half (1½) hours in new elevators, and in existing elevators Class 'B' label one hour, and the doorways shall be made smoketight when the doors are closed.

(2) Elevators and elevator shafts shall otherwise be designed, constructed, maintained, and ventilated in accordance with regulations promulgated by the Department of Labor and Training.

(c) All stairways in approved egress passages shall have handrails on both sides, except such stairs as are less than three feet (3') in width, which stairs shall have at least one handrail.

(d) Stairways in approved egress passages in existing buildings for industrial, mercantile, business, or storage shall be not less than thirty-two inches (32') in width and in new buildings, additions to existing buildings, or buildings hereafter converted for these purposes, the stairways shall be not less than forty-four inches (44") in width, except where a width of thirty-six inches (36") may be required for buildings with single exit requirements.

(e) The least dimension of landings and platforms shall be not less than the width of stairway in new buildings. In existing buildings the least dimension of landing and platforms shall be not less than thirty inches (30").

(f) Stair treads in approved inside egress passages in existing structures shall not be less than eight inches (8") wide, exclusive of nosing, and risers shall not exceed eight and one-half inches (8½") in height. In new buildings, stair treads in approved inside egress passages shall not be less than eleven inches (11") in depth, and risers shall not exceed seven inches (7") in height.

23-28.17-5. Egress doors.

(a) Doors in approved egress passages into stairways and to the outside shall be so hung as to open in the direction of exit travel without obstructing the required width of exitway, but this requirement shall not be construed to prohibit ground floor entrance doors swinging both inward and outward. The doors shall not be so hung as to obstruct egress passage.

(b) All doors which open into enclosed exitway stairs, exitway passageways, or those which are installed to provide fire or smoke barriers across corridors, shall be self-closing and be so maintained or shall be automatic doors which will close upon activation of an approved smoke detector. Where egress doors are arranged to be opened by non-power operated mechanical devices of any kind, they shall be so constructed that the door may be opened manually and will release under a total pressure of not more than fifteen pounds (15 lbs.) applied in the direction of egress travel. Power operated exitway doors shall be capable of being opened with not more than fifty pounds (50 lbs.) pressure applied at the normal door knob location when power is lost.

(c) One side of the opening in fire walls or fire separation walls which are required to have a fire-resistance rating of two (2) hours or more shall be protected with a one and one half (1½) hour self-closing fire door swinging in the direction of exit travel.

(d) One-quarter inch (¼ ") wired safety glass may be used in approved labeled opening protectives with the maximum sizes described in the following table:

Limiting Size of Wire Glass Panels			
Rating-opening	Max area square inches	Max height inches	Max. width inches
3 hour, class A door	0	0	0
1 & 1½ hour, class B doors	100	---	---
¾ hour, class C door	1296	54	54
1½ hour, class D door	0	0	0
¾ hour, class E door	720	54	54
Class E window per light	720	54	54
Class F window per light	1296	54	54

(e) The minimum width of single doors shall provide a clear width of not less than thirty-two inches (32") and the maximum width shall be forty-eight inches (48") nominal. When the doorway is subdivided into two (2) or more separate openings, the minimum clear width of each opening shall be not less than thirty-two inches (32"), and each opening shall be computed separately in determining the number of required units of exit width. A door forty inches (40") in width shall be deemed the equivalent of two (2) full units of exit width. The height of doors shall not be less than six and two-thirds feet (6 2/3').

(f) Egress doors leading to the outside or into an enclosed passageway leading to the outside, except doors on the ground floor normally used for entrance, shall be equipped with approved panic hardware which will release when normal pressure is applied to the releasing device in the direction of exit travel. The releasing device may be a bar or panel extending not less than two-thirds (2/3) of the width of the door and placed not less than thirty inches (30") nor more than forty-four inches (44") above the floor. They shall be kept closed when not in use.

(g) Revolving doors shall not be considered as approved means of egress.

23-28.17-6. Construction.

(a) Every industrial, mercantile, business, or storage building hereafter constructed, every addition made to buildings of this type, or every building converted hereafter to these or any of these uses, shall be of construction having a two (2) hour fire resistance rating if more than three (3) stories above the basement or ground.

(b) All vertical openings, including stairways and passageways to the outdoors, in all new buildings, additions, or conversions for these uses, shall be enclosed by material and construction having a two (2) hour fire rating, except that an enclosure shall not be required for a flight of stairs in a noncombustible building when the stairs are in addition to the required two (2) means of egress and when they connect only two (2) levels.

23-28.17-7. Hazardous occupancies.

(a) The hazard of contents of mercantile, industrial, and storage buildings shall be classified as low, ordinary, or high in accordance with the following:

(1) Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur and that, consequently, the only probable changes requiring the use of emergency exits will be from panic, fumes, smoke, or fire from some external source.

(2) Ordinary hazard contents shall be classified as those which are liable to burn with moderate rapidity or to give off a considerable volume of smoke, but from which neither poisonous fumes nor explosions are to be found in case of fire.

(3) High hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes, or explosions are to be feared in the event of fire.

(b) In mercantile, industrial, and storage occupancies with high hazard contents, the state fire marshal may require whatever additional safeguards he or she may deem necessary to procure life safety.

23-28.17-8. Fire walls and smoke barriers.

Fire walls or smoke barriers, or both, shall be built at the limits in areas or length defined under travel distance to exits if the building is planned for larger overall area. Openings in these walls shall be such as will maintain a full two (2) hour fire rating and shall be automatic in operation for fire. Exits within each segregated area shall be provided as though each area were a separate building.

23-28.17-9. Fire-stopping.

(a) Exterior walls of new or changed frame construction and interior stud partitions shall be fire-stopped at each floor level by a two-inch (2") thick plate or masonry filling, completely closing any possible vertical opening from one story to another.

(b) In existing buildings, exterior walls of frame construction and interior stud partitions shall be completely fire-stopped by a timber of not less than two inches (2") in thickness or other suitable non-combustible material completely closing any possible vertical openings, open joist channels, and stud spaces, at the ceiling of the basement.

23-28.17-10. Exit signs.

Exit signs shall be provided in accordance with chapter 28.23 of this title as follows:

(1) All industrial occupancies shall be group type A or B as specified in § 23-28.23-2. Except those industrial occupancies with over five thousand square feet (5000 sq. ft.) per floor shall be group type C as specified in § 23-28.23-2.

(2) All mercantile occupancies shall be group type A or B as specified in § 23-28.23-2. Except those occupancies above or below street level, and those occupancies of over five thousand square feet (5000 sq. ft.) floor area on ground level shall be group type C as specified in § 23-28.23-2.

(3) All business occupancies shall be group type A or B as specified in § 23-28.23-2. Except those occupancies above or below the street level and those subject to five hundred (500) or more total occupants on ground level, shall be group type C as specified in § 23-28.23-2.

(4) All storage occupancies shall be group type C as specified in § 23-28.23-2, except those occupancies not normally occupied in structures occupied only in daylight hours with skylights

or windows arranged to provide during these hours, the required level of illumination, on all portions of the means of egress, shall be group type A or B as specified in § 23-28.23-2.

23-28.17-11. Emergency lighting.

Emergency lighting shall be provided in accordance with chapter 28.24 of this title in the following occupancies:

- (1) All industrial occupancies of over five thousand square feet (5,000 sq. ft.) on any one floor.
- (2) (i) All mercantile occupancies of over five thousand square feet (5,000 sq. ft.) on any one floor.
- (ii) All mercantile occupancies below or above street level.
- (3) Business occupancies as follows:
 - (i) All buildings two (2) or more stories in height above street level.
 - (ii) Buildings subject to one thousand (1,000) or more total occupants.
 - (iii) In all basement areas of all business buildings.
- (4) All storage occupancies except as follows:
 - (i) Storage occupancies when not normally occupied.
 - (ii) In structures occupied only in daylight hours with skylights or windows arranged to provide, during these hours, the required level of illumination on all portions of the means of egress.

23-28.17-12. Extinguishing equipment required.

All buildings of the occupancies covered by this chapter shall be provided with proper fire extinguishing equipment adequate for the areas involved suitably located. As to type, location, and maintenance, all fire extinguishers shall be in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.17-13. Sprinklers required.

Every building of this type built, added to, or converted to, which is more than two (2) stories in height above basement and which is not constructed of better than a two (2) hour fire rating, shall be protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition, and its related standards.

23-28.17-14. Fire alarm systems.

- (a) A fire alarm system as described in § 23-28.25-4(a) shall be installed in all industrial, mercantile, business, and storage buildings.
- (b) A fire alarm system as described in § 23-28.25-4(b) shall be installed in every industrial, mercantile, business, and storage building having a total floor area of more than ten thousand square feet (10,000 sq. ft.) per floor or extending three (3) stories or more above grade level.

23-28.17-15. Covered malls.

Covered malls shall be constructed in accordance with one of the following options:

- (1) OPTION 1: The covered mall and all buildings connected thereto shall be treated as a single building and shall be subject to the provisions of this code for the specific use group and type of construction.
- (2) OPTION 2: The mall may be considered to be an 'accessible unoccupied open space' that separates the construction into one or more buildings if the following requirements are met:
 - (i) The covered mall shall be at least thirty feet (30') in width.

- (ii) The least, unobstructed, horizontal dimension at any place in the covered mall shall be ten feet (10').
- (iii) The structural elements of the covered mall shall be of noncombustible or heavy timber construction.
- (iv) Floor-ceiling assemblies and their supporting columns and beams within multi-level covered malls shall be of one hour fire-resistance rated noncombustible construction.
- (v) The covered mall and all buildings connected thereto shall be provided throughout with an approved fire suppression system. The suppression system in the covered mall shall be independent of the suppression systems in the buildings connected to the covered mall.
- (vi) Standpipes shall be provided at two hundred foot (200') intervals along the covered mall.
- (vii) The covered mall shall be provided with breakout panels, skylights, mechanical ventilation, or other approved methods of providing for ventilation of products of combustion in case of fire.
- (viii) Multi-level covered malls shall be sufficiently open, so that a hazardous condition occurring on one level will be readily visible to occupants on all levels.
- (ix) (A) One-half ($\frac{1}{2}$) of the required number of exitways from each tenant area shall lead to the outside by means other than through the covered mall.
(B) EXCEPTION: Tenant areas less than twenty-five hundred square feet (2500 sq. ft.) in area.
- (x) Exitways from the covered mall shall be located so that the length of travel from any mall-tenant area entrance to the exitway shall not exceed two hundred feet (200').
- (xi) Exit signs and directional (exit) signs indicating the non-mall exitways shall be located so as to be easily visible from the mall-tenant area entrance.
- (xii) Combustible kiosks or other similar structures shall not be located within the covered mall.
- (xiii) Kiosks or similar areas (temporary or permanent) located within the covered mall shall be provided with approved fire suppression and detection devices as required by the authority having jurisdiction.
- (xiv) The minimum horizontal separation between kiosks and similar areas and buildings connected to the covered mall shall be twenty feet (20').

23-28.17-16. [Repealed.]

CHAPTER 28.18 THEATRES

Section.

- 23-28.18-1. Applicability.
- 23-28.18-2. Admissions restricted and supervised.
- 23-28.18-3. Fire alarms.
- 23-28.18-4. Housekeeping.
- 23-28.18-5- 23-28.18-23. [Repealed.]

23-28.18-1. Applicability.

- (a) The regulations contained in this chapter shall apply to all theatres as defined in § 23-28.1-5, except only such places as are expressly exempt in accordance with the provisions of this code.
- (b) (1) All new theaters hereafter constructed, every addition hereafter made to a theater and any building hereafter converted for use in whole or in part for a theater and any existing theatre shall be in accordance with N.F.P.A. Standard 101, 1988 edition, Chapter 8 and 9 and their related chapters and standards.
- (2) EXCEPTION: Previously approved theatres meeting the requirements of earlier editions and amendments of this chapter may be continued in use subject to the approval of the state or local fire marshal.

23-28.18-2. Admissions restricted and supervised.

- (a) Admission to all theaters shall be supervised by the responsible management or person or persons delegated with the responsibility by the management and shall not allow admissions in excess of the maximum occupancy permitted.
- (b) The maximum occupancy of all areas shall be conspicuously posted by means of a sign furnished by the state fire marshal's office.

23-28.18-3. Fire alarms.

- (a) A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in every theater.
- (b) In addition to the location prescribed in § 23-28.25-4(b), a manual station shall be installed on every stage and near any fixed lighting control panel and in every projection booth.
- (c) Manual stations, with the approval of the authority having jurisdiction, may be omitted from exits and installed in such locations as the ticket booth or the refreshment stand.
- (d) Alarm sounding devices and flashing lights shall be installed where required by the authority having jurisdiction. Voice communication evacuation systems are required and shall interrupt all audio systems.

23-28.18-4. Housekeeping.

All theaters, egress passages therefrom, and adjacent rooms and spaces not segregated from the theater or passage by closed fire resistant construction, shall be kept clean and in tidy condition, and free from combustible debris. No premises shall contain storage of flammable liquids or liquefied petroleum gas, and no cooking or use of open flame or smoking shall be allowed without adequate provisions for protection of the premises and occupants against fire.

23-28.18-5 - 23-28.18-23. [Repealed.]

CHAPTER 28.19

TENTS - GRANDSTANDS - AIR-SUPPORTED STRUCTURES

Section.

- 23-28.19-1. Tents for which license required - Application and issuance.
- 23-28.19-2. Proximity to buildings - Wind resistance - Flame-proofing of materials.
- 23-28.19-3. Exemption from flameproofing where public not admitted.
- 23-28.19-4. Seats, jacks, and appurtenances.
- 23-28.19-5. Lighting - Electric wiring.
- 23-28.19-6. Sleeping and mess tents.
- 23-28.19-7. Number, size, and location of exits.
- 23-28.19-8. Width and location of aisles.
- 23-28.19-9. Use of aisles and exits - Obstruction.
- 23-28.19-10. Exit signs.
- 23-28.19-11. Smoking regulations.
- 23-28.19-12. Motion pictures.
- 23-28.19-13. Filling of gasoline appliances.
- 23-28.19-14. Survey by fire chief - Fire appliances.
- 23-28.19-15. Detail of firefighters.
- 23-28.19-16. Seating.
- 23-28.19-17. Outdoor performances - Rules and regulations.
- 23-28.19-18. National standards.
- 23-28.19-19. Emergency lighting.
- 23-28.19-20. [Repealed.]

23-28.19-1. Tents for which license required - Application and issuance.

No tent exceeding one hundred twenty square feet (120 sq. ft.) in area shall be erected, maintained, operated, or used in any city or town in this state except under a license from the licensing authorities of the city or town. The license shall not be issued for a period exceeding thirty (30) days and shall be revocable for cause. Application shall be made on proper form and, when deemed necessary by the licensing authorities, shall include plans drawn to scale, showing exits, aisles, and seating arrangements and details of the structural support of tent, seats, and platforms, etc. No license shall be issued until the provisions of this chapter have been complied with, and approval has been obtained from the building department, the police department, the fire department, and, when tents are to be used for two hundred (200) or more persons, from each and every department having jurisdiction over places of assembly.

23-28.19-2. Proximity to buildings - Wind resistance - Flame-proofing of materials.

- (a) Tents exceeding one hundred twenty square feet (120 sq. ft.) in area shall not be erected in the fire limits defined by any city or town.
- (b) All tents shall be constructed and erected to withstand a wind pressure of ten (10) pounds per square foot.
- (c) (1) All canvas, curtains, cloth, rope, netting, and decorative material shall be rendered flame resistant. The fire department shall require a certificate from the manufacturer that the material has been tested by a laboratory of recognized standing, and found to be permanently flame resistant. The material shall have proper identification markings and shall not have been

waterproofed subsequent to the issuance of the certificate by a process which increases its flammability. All materials shall be labeled with a number that corresponds to the certificate of flame resistance.

(2) A certificate shall accompany each piece of material used in a given tent, and each piece of tent shall have corresponding identification number and/or lot numbers, said identification numbers or lot numbers to be located in a place readily visible to inspection. Materials certified to be flame retardant for the expected life of the material shall have an effective life of ten (10) years, for the purposes of this section only. After ten (10) years, all materials shall be required to be recertified by a laboratory of recognized standing and shall be required to meet or exceed the requirements of the small scale test contained in the standard methods of Fire Tests for Flame Resistant Textiles and Films, N.F.P.A. 701, or its equivalent in effect at that time.

(3) Each certificate shall contain the following information:

(i) Name of manufacturer of material.

(ii) Address of manufacturer of material.

(iii) Description of item certified.

(iv) Name and address of applicator of flame-resistant finish.

(v) Name of laboratory of recognized standing conducting flame-resistance test.

(vi) Government certified laboratory number.

(vii) Name and type of test performed, or statement that materials meet the requirements of the small scale test contained in the standard methods of Fire Tests for Flame Resistant Textiles and Films, N.F.P.A. 701.

(viii) Color, weight and type of flame resistant material.

(ix) Life expectancy of flame resistant treatment.

(4) No certificate shall be acceptable for material which is more than three (3) years old.

Materials more than three (3) years old may be accepted by the fire department provided the materials meet the requirements of the small scale test contained in the Standard methods of Fire Tests for Flame Resistant Textiles and Films, N.F.P.A. 701.

(d) The placement of tents relative to each other and to other structures shall be at the discretion of the local fire authority with consideration given to occupancy, use, opening, adequate egress, exposure, and other similar factors.

23-28.19-3. Exemption from flameproofing where public not admitted.

The provisions of this chapter relative to flameproofing shall not be construed to apply to any tent used by the operator of a concession, if the general public is not admitted within the confines of the tent.

23-28.19-4. Seats, jacks, and appurtenances.

(a) Where tents are used as places of assembly with a capacity of two hundred (200) or more persons, the seats, chairs, jacks, and other appurtenances, if of wood, must be suitably treated to reduce the fire hazard by a suitable application of a surface treatment or by impregnation.

(b) No tier of seats shall rise to a height exceeding twelve feet (12').

23-28.19-5. Lighting - Electric wiring.

All lighting shall be by electricity, with lamps properly guarded to prevent ignition by radiation. In places of assembly, emergency lighting facilities must be as provided in the building and electrical codes for theatres. All wiring conductors shall be of a type approved for the class of

service and be protected against over-current. Loads for feeders and branch lines shall be limited in accordance with the carrying capacities as specified in the national electrical code. When deemed necessary by the electrical inspector, conductors shall be trenched and covered. All electrical installations on the premises must be tested and approved by the state board of examiners of electricians.

23-28.19-6. Sleeping and mess tents.

Tents in which persons sleep, and mess tents, shall not be used for any exhibition purpose.

23-28.19-7. Number, size, and location of exits.

(a) A minimum of two (2) exits shall be provided where a tent is used as a place of assembly with a capacity of one hundred (100) or more persons, in any tent where ten (10) or more persons sleep, and in any tent involving conditions hazardous to life. When tents are used as a place of assembly with a capacity in excess of five hundred (500) people, each exit shall be not less than nine feet (9') wide, and the number of exits shall be based upon the ratio of one exit to each five hundred (500) persons or major fraction thereof which the tent is designed to seat or hold. The exits shall be placed not over seventy-five feet (75') apart, and exitways serving the exits shall be not less than nine feet (9') in clear width.

(b) Where two (2) or more tents adjoin, with an opening between, an exit to the outside shall be provided at the point of juncture.

23-28.19-8. Width and location of aisles.

Aisles not less than forty-four inches (44") in width shall be provided so that there are not more than ten (10) seats between any seat and an aisle. Where individual seats are not provided, a distance of eighteen inches (18") along any bench or platform shall constitute one seat in computing required aisles and exits. Every aisle shall lead directly to an exitway, or to a cross aisle running parallel with the seat rows and leading to an exitway. The aisles shall not be less in width than the combined width of aisles that they connect. In tents having a capacity of one thousand (1,000) or over, facilities must be provided for admitting patrons on opposite sides or ends convenient to their seating locations.

23-28.19-9. Use of aisles and exits - Obstruction.

Aisles and exitways shall be used only for passage to and from seats and for vendors carrying their wares. No poles or ropes shall be permitted in aisles and exitways, and all exitways and exits shall be kept unobstructed at all times and so maintained as to not present a hazard from fire. The area for a distance of twenty feet (20') beyond any exit shall be kept free and clear and be made readily passable.

23-28.19-10. Exit signs.

All tents used for the gathering of more than seventy-five (75) people shall be provided with exit signs in accordance with chapter 28.23 of this title. Group type C specified in § 23-28.23-2 shall be required.

23-28.19-11. Smoking regulations.

Signs prohibiting smoking shall be prominently displayed at all entrances and at other locations within any tent used as a place of assembly, so that they may be clearly visible to all occupants.

Frequent announcements regarding the prohibition shall be made, preferably over a public address system if available. Suitable non-combustible containers shall be provided at all entrances for the proper disposition of cigar or cigarette butts and pipe dottle, and a uniformed attendant shall be stationed at the locations to advise patrons of the no smoking regulations.

23-28.19-12. Motion pictures.

No motion picture film of the nitrocellulose type shall be used, stored, or exhibited within a tent. The exhibitions, when held within a tent, shall be restricted to the use of safety film only.

23-28.19-13. Filling of gasoline appliances.

All automobiles, trucks, tractors, lighting equipment, and other equipment using gasoline shall be filled with approved safety cans or by hose from fixed pumps, from wheeled tanks with pumps, or a pump from a tank wagon located not closer than twenty-five feet (25') to any tent.

23-28.19-14. Survey by fire chief - Fire appliances.

- (a) The chief of the fire department shall survey, or cause to be surveyed, each tent for which a permit has been granted, after it is erected, and if it is to be used as a place of assembly, before it is occupied. The chief of the fire department shall require installation of such fire appliances as are deemed necessary, and designate their location. The fire appliances may consist of water tanks, pumps, hose, water buckets, extinguishers, and fireproof blankets.
- (b) All fire appliances shall be kept in working condition and all pumps and hose, when used in connection with tank wagons, shall be inspected, and tested, if deemed necessary, prior to the occupancy of the tent. Portable extinguishers and similar appliances shall be properly distributed and readily accessible. It shall be the duty of the owner or manager of each exhibition to properly train sufficient responsible employees in the use of fire equipment so that it can be quickly put in operation; the chief of the fire department may require these employees to prove their fitness.

23-28.19-15. Detail of firefighters.

- (a) Uniformed firefighters shall be detailed to all circuses, carnivals, or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features, and with the condition of exits, and shall patrol the entire area of the tent during the time it is occupied. Special police officers or firefighters should see that overcrowding is not permitted, that aisles and exitways are kept open, and that no smoking rules are observed.
- (b) (1) All tents with a capacity of one thousand (1000) or more persons shall have a minimum of two (2) uniformed fire fighters and any additional firefighters on duty when deemed necessary by the chief of the local fire department.
- (2) All tents with a capacity of three hundred and one (301) to one thousand (1000) persons shall have a minimum of one uniformed firefighter and any additional firefighters on duty when deemed necessary by the chief of the local fire department.
- (3) All tents with a capacity of fifty (50) to three hundred (300) persons shall have a minimum of one uniformed firefighter and any additional firefighters on duty when deemed necessary by the chief of the local fire department. This requirement may be waived by the chief of the local fire department.

23-28.19-16. Seating.

No proprietors of any performance tent, and no managers or other person or persons in charge thereof, shall suffer or permit any person to stand or sit, and no person shall stand or sit, in any aisle or passageway or open space around a ring enclosure in any tent, in which seats are furnished spectators, during the time of any show or performance, or while spectators are present; and no proprietors, managers, or other person or persons shall sell or cause to be sold any greater number of tickets of admission to the tent, for any show or performance therein at a given time, than the number of seats furnished therein, and none of the same shall cause or permit any greater number of persons to enter the tent to attend any show or performance than the number of seats furnished therein; provided, that the provisions hereof shall not apply to police officers, ushers, or other persons employed or having duties to perform therein. Any person violating any provision of this section shall be fined not exceeding five hundred dollars (\$500) for each offense.

23-28.19-17. Outdoor performances - Rules and regulations.

The commission shall make such rules and regulations as seem necessary concerning the seating, safety, and licensing of any features connected with outdoor performances of any kind. After advertising and public hearing, the rules and regulations shall be part of the provisions of this safety code.

23-28.19-18. National standards.

All other areas concerning tents, grandstands, or air supported structures not specifically covered in the R.I. fire code or in this chapter shall be in accordance with N.F.P.A. Standard 102, 1986 edition.

23-28.19-19. Emergency lighting.

Emergency lighting shall be required for gatherings of more than seventy-five (75) persons. Emergency lighting shall be provided in accordance with chapter 28.24 of this title.

CHAPTER 28.20

STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS

Section.

- 23-28.20-1. Purpose.
- 23-28.20-2. Applicability.
- 23-28.20-3. Administration.
- 23-28.20-4. Definitions.
- 23-28.20-5. References to standards mandatory.
- 23-28.20-6. Registration and permits.
- 23-28.20-7. Application and hearings on permits.
- 23-28.20-8. Application for permit.
- 23-28.20-9. Permit fee.
- 23-28.20-10. Expiration of permits.
- 23-28.20-11. Severability.
- 23-28.20-12. Immunity from civil liability - Persons assisting.

23-28.20-1. Purpose.

The purpose of this chapter is to regulate the sale or dispensing at wholesale or retail of liquefied petroleum gases (LPG) in the interest of safeguarding lives and property.

23-28.20-2. Applicability.

- (a) The provisions in this chapter shall apply to all persons, firms, corporations, partnerships, voluntary associations, and government agencies other than federal storing or handling liquefied petroleum gases, and to the owner or lessee of any building or equipment in or on which liquefied petroleum gas is stored or handled, and shall apply to motor vehicles that are used for the transportation of liquefied petroleum gas and are intended to provide the requirements for the design, construction, and operation of tank motor vehicles and certain features of tank motor vehicle chassis for the transportation of liquefied petroleum gases.
- (b) These provisions shall not apply to the transportation of liquefied petroleum gas when in conformity with the interstate commerce commission regulations nor to liquefied petroleum gas piping and installations of public utilities under the supervision of the division of public utilities.

23-28.20-3. Administration.

The administration of this chapter is vested in the state fire marshal who shall have the power to issue the proper rules and regulations to administer this chapter.

23-28.20-4. Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively assigned to them.

- (1) (i) 'Approved' means approved by the marshal.
- (ii) The approval of any equipment, container, or appliance will be based on its compliance with the accepted principles or recognized engineering practice, and the marshal may consider as approved any equipment, container, or appliance which meets the standards set up by any of the following organizations:
 - (A) Underwriters' Laboratories, Inc. (U.L.)

(B) National Fire Protection Association (Pamphlets 58, 1989 edition; 59, 1989 edition)	(N.F.P.A.)
(C) National Board of Fire Underwriters	(N.B.F.U.)
(D) Interstate Commerce Commission	(I.C.C.)
(E) American Society of Mechanical Engineers	(A.S.M.E.)
(F) American Petroleum Institute	(A.P.I.)
(G) American Gas Association	(A.G.A.)
(H) American Standards Association	(A.S.A.)

(2) 'Container' means all vessels such as tanks, cylinders, or drums used for transporting or storing liquefied petroleum gases.

(3) 'Equipment' refers essentially to the container or containers, major devices such as vaporizers, carburetors, safety relief valves, excess flow valves, regulators, etc., and interconnecting piping.

(4) 'Marshal' means the state fire marshal or his or her authorized representative.

23-28.20-5. References to standards mandatory.

References to other standards in these provisions shall be considered mandatory.

23-28.20-6. Registration and permits.

Registration of and permits for persons, firms, corporations, and partnerships engaged in the business of selling or offering for sale at wholesale or retail liquefied petroleum gas are required.

23-28.20-7. Application and hearings on permits.

(a) Application for permits under this chapter shall be made pursuant to regulations adopted by the state fire marshal and those regulations may from time to time be amended by the marshal.

(b) The fire marshal shall have the authority to conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of permit.

23-28.20-8. Application for permit.

(a) The applicant must submit an application to the state fire marshal, on a form provided by the state fire marshal. Upon receipt of the application, the state fire marshal will schedule a fire safety inspection of the facility in accordance with N.F.P.A. Standard 58, 1989 edition, and N.F.P.A. 59, 1989 edition.

(b) The permit will be issued provided the applicant is in compliance with applicable codes.

23-28.20-9. Permit fee.

Each application for a permit under this chapter shall be accompanied by the fee prescribed by this section, which fee shall be returned in the event the application is denied. The permit fee shall be seventy-five dollars (\$75.00) annually. All fees collected pursuant to this section shall be deposited as general revenue.

23-28.20-10. Expiration of permits.

All permits issued under this chapter shall expire on the last day of each calendar year unless sooner designed on the permit or sooner revoked.

23-28.20-11. Severability.

If any part of this chapter shall be declared unconstitutional or invalid, the unconstitutionality or invalidity shall in no way affect the constitutionality or validity of any other portion thereof which can be given reasonable effect without the part so declared unconstitutional or invalid.

23-28.20-12. Immunity from civil liability - Persons assisting.

Notwithstanding any provisions of law to the contrary, no person who without remuneration provides assistance upon request of any police agency, fire company, first aid, rescue, or emergency squad, or other agency or unit of government in the event of an accident or other emergency situation involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering in good faith any assistance. Nothing herein shall be deemed to grant any immunity to any person who caused the accident or other emergency situation, or to any other person causing damage as a result of his or her willful or wanton act of commission or omission.

CHAPTER 28.21 FUEL OIL INSTALLATIONS

Section.

23-28.21-1. Definitions.

23-28.21-2. National standard.

23-28.21-3- 23-28.21-18. [Repealed.]

23-28.21-1. Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively assigned to them:

- (1) 'Enforcing officer' shall be the chief of the fire department of the several cities, towns, and the fire district wherein any violation of the provisions of this chapter may take place.
- (2) 'Heavy fuel oil' means any oil used as fuel, complying with specifications under commercial standards of grades No. 5 and No. 6.
- (3) 'Light fuel oil' means any oil used as fuel, complying with specifications under commercial standards of grades No. 1, No. 2, and No. 3.
- (4) 'Lowest story' means a basement or cellar, and if there is no basement or cellar, the first story.
- (5) 'Oil burner' means any device designed to burn fuel oil having a flash point of one hundred ten degrees (110°) Fahrenheit or higher, and having a fuel tank or container with a capacity of more than ten (10) gallons connected thereto.
- (6) 'Oil burning equipment' means oil burners and all tanks, piping, control devices, and accessories connected to the burner.
- (7) 'Permit' means any permit required by these provisions and issued by the enforcing officer.
- (8) 'Person' means an individual person, firm, or corporation, co-partnership or association.
- (9) 'Power burners' means any burner that requires electricity, steam or air pressure for its operation.

23-28.21-2. National standard.

Fuel oil installations shall be in accordance with N.F.P.A. Standard 31, 1987 edition.

23-28.21-3 - 23-28.21-18. [Repealed.]

CHAPTER 28.22 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Section.

- 23-28.22-1. Applicability.
- 23-28.22-2. Definitions.
- 23-28.22-3. Storage of flammable liquids - Plans, permits, and inspections.
- 23-28.22-4. Storage of flammable liquids other than as provided in this chapter prohibited.
- 23-28.22-5. Construction and use.
- 23-28.22-6. "Self-service dispensers" defined.
- 23-28.22-7. Attendant required.
- 23-28.22-8. Attendant's control and supervision.
- 23-28.22-9. Emergency controls - Extinguisher system.
- 23-28.22-10. Posting of operating instructions.
- 23-28.22-11. Posting of emergency procedures.
- 23-28.22-12. Unobstructed observation.
- 23-28.22-13. Delivery nozzles.
- 23-28.22-14. Voice communication control.
- 23-28.22-15. Posting of warning sign.
- 23-28.22-16. Fire control devices.
- 23-28.22-17. Filling containers.
- 23-28.22-18. Minimum age requirement.
- 23-28.22-19. Self-service stations - Assistance for persons with disabilities.
- 23-28.22-20. Closure of underground tanks.
- 23-28.22-21. Tank cutting on site prohibited.
- 23-28.22-22. Tanks stored and destroyed at tank yards.
- 23-28.22-23. Transportation of tanks.
- 23-28.22-24. Rules and regulations.

23-28.22-1. Applicability.

(a) (1) This chapter shall apply to service stations, bulk plants and service stations, aboveground storage for bulk plants and service stations, underground storage for bulk plants and service stations, and piping for bulk plants and service stations.

(2) These provisions shall apply to all persons, co-partnerships, corporations, and voluntary associations storing, physically handling, or using flammable liquids, and shall also apply to the owner of any building or premises, in or on which flammable liquids are stored or kept, and to the owner of any equipment used in storing or physically handling flammable liquids. The word 'owner' shall be given its ordinary meaning and be held to include any trustees, a board of trustees of the property, or any person having a freehold interest in property, but a mortgagee of the property shall not be deemed an owner thereof.

(b) These provisions shall apply to the construction or remodeling of buildings and plants for flammable liquids, and shall apply to new installations and the replacement of equipment for flammable liquids. These provisions shall also apply to existing buildings, plants, or equipment, which were not previously but are hereafter used for flammable liquids, but shall not apply to existing buildings, plants, structures, or equipment now used for flammable liquids unless the enforcing officer shall determine that the conditions constitute a distinct hazard.

(c) Where the circumstances or conditions of any particular case falling within the scope of these provisions are unusual and such as to render the strict compliance with these regulations impracticable, the enforcing officer having jurisdiction may permit the modification as will provide a substantially equivalent degree of safety; provided, however, that should the enforcing officer refuse to grant the modification as may be requested, then and in that event an application may be submitted to the board of appeal and review.

23-28.22-2. Definitions.

(a) 'Enforcing officer' means the enforcing officer shall be the chief of the fire department or his or her designee of the several cities, towns, and fire districts wherein any violations of the provisions of this chapter may take place.

(b) 'Self service stations' means that portion of property where flammable and combustible liquids used as motor fuels are stored, and subsequently dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than service station attendants, and the operation of the stations shall be subject to the following provisions contained in this chapter.

(c) 'The authority having jurisdiction' means the authority having jurisdiction for the purposes of this chapter shall mean the enforcing officer as defined in subsection (a).

23-28.22-3. Storage of flammable liquids - Plans, permits, and inspections.

(a) Three (3) complete sets of plans and specifications, certified by an engineer, shall be submitted to the enforcing officer for any proposed installation or addition to a present installation for aboveground storage.

(b) When the installation or addition is completed, the applicant shall notify the enforcing officer, and an inspection shall be made to determine that the installation or addition complies with these provisions. Underground tanks shall not be covered from sight until the tank and the underground appurtenances thereto have been inspected and approved by the enforcing officer. In the absence of unusual circumstances, the inspection and approval or disapproval of the underground tanks shall be completed within two (2) working days from the date of the receipt of the notification by the enforcing officer.

23-28.22-4. Storage of flammable liquids other than as provided in this chapter prohibited.

No person shall store any flammable liquids at a bulk plant or service station except in accordance with regulations in this chapter.

23-28.22-5. Construction and use.

The construction, installation, use, storage, and maintenance of facilities storing, using, and dispensing flammable and combustible liquids within the scope of this chapter shall be in accordance with N.F.P.A. Standard 30, 1987 edition, except for self-service dispensing stations which shall be subject to the additional provisions contained in this chapter.

23-28.22-6. "Self-service dispensers" defined.

A self-service dispenser means a remote controlled dispensing device approved by the authority having jurisdiction. The coin and/or the card operated type are not acceptable.

23-28.22-7. Attendant required.

All self-service stations shall have at least one qualified attendant on duty while the station is open to the public. During all times that Class 1 liquids are actually being dispensed, the attendant's primary function shall be to supervise, observe, and control the dispensing of the liquids. It shall be the responsibility of the attendant to prevent the dispensing of Class 1 liquids into portable containers unless the container is constructed of metal or approved plastic or is approved by the authority having jurisdiction, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling. It shall also be the responsibility of the attendant to control sources of ignition, and to immediately handle accidental spills and fire extinguishers, if needed. The attendant or supervisor on duty shall be capable of performing the functions and assuming the responsibilities covered in this section.

23-28.22-8. Attendant's control and supervision.

At self service stations, the attendant shall be required to remain within the control console area at all times while Class 1 liquids are being dispensed. A 'post-payment operation' is advocated to insure the attendant's compliance with the foregoing provision.

23-28.22-9. Emergency controls - Extinguisher system.

(a) A main power shut-off switch or switches shall be installed in the remote control location and not more than seventy-five feet (75') from the dispensers.

(b) (1) A fixed fire extinguisher system suitable for the extinguishment of Class B (flammable liquid) fires, acceptable to the authority having jurisdiction and covering the entire gasoline dispensing area, shall be installed at each self-service station. The system shall be capable of being activated, either manually or automatically; however, if it is to be activated manually, the triggering device should be in the remote control location not more than seventy-five feet (75') from the dispensers. Activation of the extinguishing system shall automatically cut off power to pump dispensing devices.

(2) As referred to above, 'the entire gasoline dispensing area' is construed to mean that area encompassing the self service island. If, however, an adjacent attended island (normally serviced by a regular attendant dispensing motor fuel) is too close in proximity to the self service island in the opinion of the authority having jurisdiction, then a fixed fire protection system may be required there also. The extinguishing systems described in subsection (a) and (b)(1) shall have a device showing the condition of the system at all times. This system shall be maintained in accordance with standard practices.

23-28.22-10. Posting of operating instructions.

Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island.

23-28.22-11. Posting of emergency procedures.

A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the attendant's remote control location.

23-28.22-12. Unobstructed observation.

The dispensing operation shall at all times be in unobstructed view of the attendant, and the placing or allowing of any obstacle to come between the dispensing operation, and the attendant, so as to obstruct the attendant's view, is prohibited.

23-28.22-13. Delivery nozzles.

Hose nozzle valves used at self service islands shall be the approved automatic closing type without a latch-open device.

23-28.22-14. Voice communication control.

A voice communication system, such as, but not limited to, an intercom system, so as to allow direct voice communication at all times between the person dispensing the fuel and the attendant, shall be required by the authority having jurisdiction.

23-28.22-15. Posting of warning sign.

On each and every dispenser island shall be conspicuously posted the following words of warning:

'WARNING . . . It is unlawful to dispense gasoline into any portable container unless the container is constructed of metal or is approved by the authority having jurisdiction'.

'No Smoking'.

'Shut off motor while motor fuel is being dispensed'.

23-28.22-16. Fire control devices.

Suitable fire control devices such as portable extinguishers shall be available within seventy-five feet (75') of every dispenser. No less than two (2) approved fire extinguishers shall be available. Each extinguisher shall be kept in good operating condition at all times and shall be located in accessible places.

23-28.22-17. Filling containers.

No container shall be filled with flammable liquid while inside a passenger-carrying vehicle.

23-28.22-18. Minimum age requirement.

No person under the age of sixteen (16) years of age shall operate a gasoline dispensing device at a self service station.

23-28.22-19. Self-service stations - Assistance for persons with disabilities.

All full service stations offering self service at a lesser cost shall require an attendant to dispense gasoline and/or diesel fuel from the self-service portion of the station at the self service prices to any motor vehicle properly displaying a 'parking permit' issued pursuant to § 31-28-7, when the person to whom the plate has been issued is the operator of the vehicle and when the service is requested. Signs shall be conspicuously posted at all the pumps attesting to the procedure provided for in this section.

23-28.22-20. Closure of underground tanks.

All underground tanks having contained flammable, combustible or explosive substances shall be closed and/or removed in accordance with the American Petroleum Institute Recommended Practice - 1604, 2nd Edition, as amended.

23-28.22-21. Tank cutting on site prohibited.

No tank, as covered under this chapter, shall be cut on site. If any tank must be cut on site due to certain conditions, it shall only be done with the final approval of the state fire marshal and shall be done in accordance with § 23-28.22-20.

23-28.22-22. Tanks stored and destroyed at tank yards.

All tanks to be removed as provided by this chapter shall only be moved to, stored, and destroyed at tank yards or safe areas approved by the state fire marshal and shall be done in compliance with § 23-28.22-20.

23-28.22-23. Transportation of tanks.

All tanks covered under this chapter shall be transported in accordance with state and federal department of transportation regulations.

23-28.22-24. Rules and regulations.

The state fire marshal is hereby authorized to formulate and administer rules and regulations relating to the provisions of this chapter which shall be enforced in accordance with § 23-28.22-2(a).

CHAPTER 28.23 EXIT SIGNS

Section.

- 23-28.23-1. Exit signs location.
- 23-28.23-2. Approved types.
- 23-28.23-3. Vertical mounting limitations.
- 23-28.23-4. Recognized type.
- 23-28.23-5. Non-exit door sign.
- 23-28.23-6. Illumination.
- 23-28.23-7. Independent power sources.
- 23-28.23-8. Installation.
- 23-28.23-9. [Repealed.]

23-28.23-1. Exit signs location.

(a) Where required by the provisions of the Rhode Island Fire Safety Code, chapters 28.1 - 28.39 of this title, all required means of egress shall be marked with a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants and in any case where required by the applicable provisions of the Rhode Island Fire Code for individual occupancies.

(b) Every required sign marking an exit or way of exit access shall be so located as to be readily visible. No decorations, furnishings, or equipment which impair visibility of an exit sign shall be permitted, nor shall there be any brightly illuminated sign (for other than exit purposes), display, or object in or near the line of vision to the required exit sign of such a character as to detract attention from the exit sign.

23-28.23-2. Approved types.

(a) This Fire Safety Code, chapters 28.1 - 28.39 of this title, recognizes three (3) types of exit signs:

- (1) Group A: Externally illuminated.
- (2) Group B: Internally illuminated.
- (3) Group C: Internally illuminated with provision for standby power operation.

(b) The type of sign for any given occupancy shall be as specified in the Fire Safety Code. All signs shall be constructed of noncombustible material and securely fastened to the building structure. Every exit sign shall have the word 'EXIT' in plainly legible letters at least six inches (6") in height with strokes not less than three-fourths inches ($\frac{3}{4}$ ") wide and shall be of greater height and width when necessary for legibility. Signs shall have either red outlines on a white background or, with metal stencil cutout type, shall be light natural metal color background. Exit signs shall be visible from the exitway access and, when necessary, shall be supplemented by directional signs in the access corridors indicating the direction and way of egress.

23-28.23-3. Vertical mounting limitations.

Exit signs and direction signs shall be mounted no higher than ten feet (10') above the floor, nor lower than six and one half feet (6 1/2') above the floor, so as to provide an unobstructed view.

23-28.23-4. Recognized type.

Internally illuminated exit signs shall be listed by the Underwriter's Laboratories, Inc. and/or by Factory Mutual Research Corporation or any other recognized testing laboratory satisfactory to the authority having jurisdiction.

23-28.23-5. Non-exit door sign.

Any door, passage, or stairway which is neither an exit nor a way of exit access, and which is so located or arranged as to be likely to be mistaken for an exit, shall be identified by a sign reading 'NOT AN EXIT' or similar designation, or shall be identified by a sign indicating its actual character, such as 'TO BASEMENT', 'STOREROOM', 'LINEN CLOSET', and the like.

23-28.23-6. Illumination.

Illumination of all required EXIT signs shall be adequate and of a character to insure that signs can be easily read under normal conditions whenever the space served is occupied. The level of light provided on the exposed face of the sign shall be not less than five (5) foot-candles.

23-28.23-7. Independent power sources.

Where the occupancy requires emergency lighting, internally illuminated EXIT signs shall be arranged to automatically transfer to the standby source of power upon interruption of the normal source of power to the EXIT sign. Standby power shall be sized and maintained to operate the EXIT sign for a minimum of ninety (90) minutes.

23-28.23-8. Installation.

Internally illuminated exit signs shall be connected in accordance with the N.F.P.A. Standard 70, 1990 edition.

23-28.23-9. [Repealed.]

CHAPTER 28.24 EMERGENCY LIGHTING

Section.

- 23-28.24-1. Applicability.
- 23-28.24-2. Areas where required.
- 23-28.24-3. Intensity of illumination.
- 23-28.24-4. General requirements for emergency lighting systems - Approved system.
- 23-28.24-5. Illumination methods.
- 23-28.24-6. Signals.
- 23-28.24-7. Central storage battery systems.
- 23-28.24-8. Unit storage battery systems.
- 23-28.24-9. Engine generator systems.

23-28.24-1. Applicability.

(a) This chapter and the emergency sections of the several occupancy chapters which refer to this chapter shall apply to pertinent new buildings; to buildings where there is a change of occupancy to one which will require emergency lighting; and to existing buildings which are altered or renovated to an extent equal to or in excess of fifty percent (50%) of its market value in a one-year period as determined by a qualified appraiser. Existing buildings which have emergency lighting which was in compliance with the requirements of the earlier edition of the Fire Safety Code shall not be required to comply with this chapter.

(b) Existing buildings which are not in compliance with the emergency lighting system requirements of the earlier edition of the Fire Safety Code shall be required to install an emergency lighting system in accordance with this chapter and the emergency lighting sections of the several occupancy chapters. All electrical work shall be performed as provided by the standards of N.F.P.A. Standard 70, 1990 edition and in accordance with regulations prescribed by the authority having jurisdiction.

23-28.24-2. Areas where required.

Emergency lighting where required within the occupancies as described in the Rhode Island Fire Safety Code, chapters 28.1 - 28.39 of this title, shall be installed in the following areas or devices: All hallways, ramps, runways, passageways, stairways, fire towers, lobbies, outside of all building exits used as means of egress, rooms which accommodate seventy-six (76) or more people, illuminated exit signs, boiler rooms, above landings of fire escapes, emergency lighting equipment, stage lighting boards, location of main service distribution equipment, projection rooms, hospital operating rooms, transformer vaults, and new or rebuilt passenger elevator installations.

23-28.24-3. Intensity of illumination.

(a) Emergency lighting systems shall produce and maintain for a period of at least one and one-half (1½) hours a minimum intensity of illumination of not less than one foot-candle measured at floor level and maintained everywhere along the required egress path. There shall be adequate overlap of illumination sources to ensure that no areas will be left in darkness due to the failure of a light element.

(b) In places of assembly for the exhibition of motion pictures or other projections by the means of directed light, the illumination of floors of exitway access areas may be reduced during the period of projection to not less than one-half ($\frac{1}{2}$) foot-candle. Where unit storage battery systems utilizing floor or spotlight type of distribution is used, the distance between adjacent units shall not exceed fifty feet (50'), and the emergency lighting shall be projected towards exits, and located so as to distribute light over the entire floor area reducing glare and sharp shadows to a minimum.

23-28.24-4. General requirements for emergency lighting systems - Approved system.

The authority having jurisdiction shall approve all emergency systems and equipment for use of the systems. Before installation of any emergency system required by the Fire Safety Code, chapters 28.1 - 28.39 of this title, commences (and regardless of what any other authority may require), complete system design details, inclusive of, but not limited to, a description of system operation and a description of the components of the system and their location within the projected building shall be submitted to the authority having jurisdiction. In addition to providing for the mandatory emergency lighting and power essential for safety to life and property, the emergency system may provide energy for other functions considered essential which shall be connected to a second branch of the main source of emergency power. Optional functions and equipment shall not be connected to the same branch as essential emergency lighting and power circuits.

23-28.24-5. Illumination methods.

(a) The source of energy for emergency lighting and power shall be one or a combination of the following:

- (1) Central storage battery system.
- (2) Engine generator system.
- (3) Unit storage battery system.

(b) The energy for emergency and regular service shall travel independent circuits in separate conduits connected only by approved transfer equipment. The control of the emergency source shall be fully automatic and not dependent upon the manual operation of any switch or device. The wiring of the emergency system shall be so arranged that no area requiring emergency lighting can be left in total darkness if there is a loss of the normal power source to that area. All emergency lighting systems shall provide full illumination within ten (10) seconds after normal source failure.

(c) (1) The total connected emergency load shall not be greater than that which the system is designed to carry for the period of one and one half ($1\frac{1}{2}$) hours. The reinstallation of emergency lighting systems in buildings other than where originally installed is prohibited except when permission is specifically granted by the authority having jurisdiction after determination of the effectiveness of the system. Emergency throwover switches and equipment shall be interlocked so that no line or phase of the emergency source of supply shall be connected to any line or phase of the normal supply.

(2) EXCEPTION: Grounded neutrals may be interconnected.

(d) All systems shall be provided with a test switch to simulate a power failure to the emergency throwover switch or equipment. A complete test of all emergency systems and inspection of all circuits for satisfactory operations shall be made at least once each week for generators and once each month for batteries; provided, however, that when buildings or rooms are used less than

once a week, tests shall be made within one hour prior to the opening of the room or building on each day of use. A record of tests shall be maintained and shall be available for inspection. No building or room within the scope of these regulations shall be used unless both regular and emergency sources of illumination are available.

23-28.24-6. Signals.

Signal devices shall be provided (in a location readily observable to operating personnel) to operate for the following purposes:

- (1) Audible and visible signal shall be provided to give anticipatory warning of a malfunction of the emergency or auxiliary source due to a high engine temperature or low lubricating oil pressure.
- (2) To indicate, by a visual signal, that the battery or generator set is in carrying load.
- (3) To indicate, by a visual signal, that a battery charger is functioning properly.

23-28.24-7. Central storage battery systems.

(a) Central storage battery systems shall be in accordance with the N.F.P.A. Standard 70, 1990 edition and the following subsections, except that alkali and other dry type batteries shall not be used.

(b) The charging device shall be capable of placing the batteries in a state of full charge within twelve (12) hours after restoration of power following a power failure. Each time the emergency lighting system is used because of the failure of the normal power supply, a charge at maximum rate shall be given the battery as often as necessary to assure its maintenance in a fully charged condition. Such chargers shall be automatically returned to the trickle rate of charge when the battery has reached a state of full charge. A visual signal mounted on the control cabinet shall indicate when the batteries are being charged at the high rate.

(c) Systems shall be installed so that they can be readily tested, inspected, and serviced and shall be maintained in satisfactory working condition. Wiring shall be of adequate diameter to provide sufficient voltage, not less than that necessary for minimum required illumination.

(d) All central storage battery systems shall include a voltmeter which shall indicate the voltage of the battery at all times.

(e) The nameplate shall contain model number, capacity of the system in watts for ninety (90) minutes at not less than eighty-seven and one half percent (87.5%) of system nominal voltage, and rated nominal voltage and current.

(f) All storage battery systems shall be provided with a device and so located as to emit an audible and visual signal when an open circuit exists between the trickle charger and the battery. In lieu of the signals required above, the voltmeter required shall have zones plainly marked as follows, indicating:

- (1) A marked zone to indicate proper trickle (float) charge voltage.
- (2) A marked zone to indicate a failure of the trickle charger or that the battery is discharging into the emergency lighting circuit.
- (3) An open circuit between the trickle charger and battery during normal float operation.

(g) The batteries of emergency lighting systems shall not be used for any other purpose unless approved by the authority having jurisdiction.

23-28.24-8. Unit storage battery systems.

- (a) Unit storage battery systems shall be in accordance with the N.F.P.A. Standard 70, 1990 edition, and the following subsections, except that:
- (1) A flexible cord and plug connection shall not be used.
 - (2) Alkali and other dry type batteries shall not be used.
- (b) Emergency lighting units of this class shall be self-contained. Batteries, relays, charging equipment, and controls shall be assembled in a well ventilated substantial noncombustible cabinet.
- (c) The charging device shall be capable of placing the batteries in a state of full charge within twelve (12) hours after restoration of power following a power failure. Each time the emergency lighting system is used because of the failure of the normal power supply, a charge at maximum rate shall be given the battery as often as necessary to assure its maintenance in a fully charged condition. Such chargers shall be automatically returned to the trickle rate of charge when the battery has reached a state of full charge. A visual signal mounted on the control cabinet shall indicate when the batteries are being charged at the high rate.
- (d) Units shall be mounted so that they can be readily tested, inspected, and serviced and shall be maintained in satisfactory working condition. Wiring shall be of adequate diameter to provide sufficient voltage, not less than that necessary for required illumination.
- (e) The nameplate shall contain model number, capacity of the system in watts for ninety (90) minutes at not less than eighty-seven percent (87%) of system nominal voltage, and rated nominal voltage and current.

23-28.24-9. Engine generator systems.

- (a) Engine generator systems shall be in accordance with the N.F.P.A. Standard 70, 1990 edition, and the following subsections.
- (b) Gasoline operated engine generator systems, when located within a building, shall be enclosed within a dedicated room of two (2) hour fire-resistant construction containing no other electrical equipment. Door openings shall be provided with a six inch (6") sill above the floor, and approved automatic self-closing class B label one and one half (1½) hour door and door assembly fire doors which shall open inward. Diesel, natural, manufactured, or liquefied petroleum gas operated engine generator systems may be located in an appropriate area, as approved by the authority having jurisdiction.
- (c) The main fuel supply and the fuel tank shall be installed in accordance with the Fire Safety Code.
- (d) A minimum size reservoir for efficient operation may be stored in the room for diesel and gas operated engines. A reservoir tank not exceeding one gallon capacity to insure minimum delay in starting may be used for gasoline operated engines.
- (e) Engine generators and controls shall be installed in a location permitting ready accessibility of parts for repair, maintenance, cleaning, replacement, and testing.
- (f) Gravity feed to fuel to carburetion or compression ignition engines is prohibited, except for a reservoir tank as provided above.
- (g) Systems using natural, manufactured, or liquefied petroleum gas as fuel shall have suitable pressure reducing and regulation devices in the fuel line and shall have a normally closed solenoid valve connected in the line on the high pressure side of the engine gas regulator which shall open automatically upon engine start and remain open until engine is shut down.
- (h) (1) Exhaust pipes shall be of sufficient strength to withstand the service and shall be so connected to the engine to prevent excessive heat, emission of sparks, flame, or gas within the

building. They shall be adequately supported throughout their run and shall terminate outside the building at a point where a pipe is not directed against any combustible material or in close proximity to fuel supply lines. Exhaust pipes shall not be connected into chimneys or flues, except that a separate exhaust stack may be introduced into an existing flue provided the former extends to the top of the flue and the latter does not contain highly corrosive gasses, such as products of combustion from gas, coal, or oil-burning appliances.

(2) An effective drain device shall be provided to permit prompt removal of exhaust condensation.

(i) Where batteries are used to furnish energy for cranking, they shall be of sufficient capacity to start the engine within five (5) seconds and to crank the engine continuously for a period of at least five (5) minutes at a speed sufficient to start the engine. All engine-starting batteries shall be of the approved type and properly maintained.

(j) Systems shall be equipped with a two-rate charger with a trickle rate capable of maintaining the batteries fully charged and a high rate capable of replacing within a twenty-four (24) hour period the charge taken out of the batteries by a five (5) minute continuous cranking period. The charger shall have an ammeter indicating the trickle rate of charge and a pilot light to indicate when the high rate of charge is being applied.

(k) Low oil pressure and high water temperature alarms shall be required.

(l) A voltmeter shall be provided to indicate the voltage being generated. When polyphase systems are used, the voltmeter shall indicate all line voltages, either line-to-line or lines-to-neutral.

(m) All engines shall be provided with a nameplate setting forth the name of the manufacturer, model number, power (watts or KW) rating, current rating, and voltage rating.

CHAPTER 28.25 FIRE ALARM SYSTEMS

Section.

- 23-28.25-1. Applicability.
- 23-28.25-1.1. [Repealed.]
- 23-28.25-2. Authority having jurisdiction.
- 23-28.25-3. Approval.
- 23-28.25-4. Types of systems.
- 23-28.25-5. Equipment.
- 23-28.25-6. Installation and wiring.
- 23-28.25-7. Connection to fire department.
- 23-28.25-8. System acceptance.
- 23-28.25-9. Maintenance of the system.

23-28.25-1. Applicability.

(a) This chapter and the fire alarm sections of the several occupancy chapters which refer to this chapter shall apply to pertinent new buildings, to buildings where there is a change of occupancy to one which will require a fire alarm system, and to existing buildings which are altered or renovated to an extent equal to or in excess of fifty percent (50%) of market value in a one-year period as determined by a qualified appraiser. Existing buildings which have a fire alarm system which was in compliance with the requirements of the earlier edition of the Fire Safety Code, chapters 28.1 - 28.39 of this title, shall not be required to comply with this chapter or the fire alarm sections of the several occupancy chapters which refer to this chapter.

(b) Existing buildings which are not in compliance with the fire alarm system requirements of the earlier edition of the Fire Safety Code shall be required to install fire alarm systems in accordance with this chapter and the fire alarm sections of the several occupancy chapters.

23-28.25-1.1. [Repealed.]

23-28.25-2. Authority having jurisdiction.

The authority having jurisdiction, for the purpose of this chapter only, shall be the state fire marshal or his or her designee and those chiefs of the fire departments, the superintendent of fire alarms, or directors of communications certified by the state fire marshal as prescribed by § 23-28.2-6.

23-28.25-3. Approval.

Before installation or alteration of any fire alarm system required by this Fire Safety Code, chapters 28.1 - 28.39 of this title, commences and regardless of what any other authority may require, complete system design details, inclusive of, but not limited to, a description of system operations and a description of the components of the system and their location within the protected building shall be submitted to the authority having jurisdiction and shall fully comply with the contents of the chapter.

23-28.25-4. Types of systems.

(a) Local systems. (1) A local supervised system, for the purpose of this Fire Safety Code, chapters 28.1 - 28.39 of this title, is defined as consisting of a power limited fire alarm panel listed by UL or FM approved, at least one manual pull station marked 'local alarm not connected to fire dept.', a one hundred ninety degree (190°) to two hundred degree (200°) F. fixed temperature thermodetector installed in kitchens, boiler rooms, and accessible attics, one hundred thirty-five degree (135°) to one hundred forty degree (140°) F. thermodetectors in all utility, mechanical, storage, and maintenance rooms and smoke detectors in stairwells and common corridors and top of all stairwells and elevator shafts and elevator landings. Detectors shall be installed in spaces of twenty-four inches (24") or more above suspended ceilings and in accordance with NFPA 72E, 1987 edition, § 2-6.4 and shall be on a separate zone. Additional detectors may be required in areas deemed essential to life safety by the authority having jurisdiction. A minimum of twenty-four (24) hour battery standby is required for this local system. Wiring must be enclosed in walls and ceilings or mechanically protected by metal raceway or MC type cable. A minimum of No. 16 awg solid wire listed for fire alarm use with insulation rated at one hundred five degree centigrade (105° C.) shall be used for all local fire alarm systems. Class 'B' wiring using an end of line resistor installed on terminal strips in the control panel for both initiating and signaling circuits shall be used for all local systems. All detectors, horns, and pull stations shall be mounted on approved junction boxes. Installation of this system shall be in compliance with NFPA Standards 72A, 1987 edition, and 72E, 1987 edition § 23-28.25-5 and § 23-28.25-6 of this code. The activation of the manual pull station(s) or the automatic activation of any detector or suppression system shall sound a combination horn strobe device(s) so located as to be effectively heard above all other sounds by all occupants in every occupied space in the building. In addition a horn strobe shall be installed on the exterior of each building at a location approved by and subject to the authority having jurisdiction. A connection to a municipal alarm system is not required for this type of system.

(2) EXCEPTION: A fire alarm system meeting the requirements of § 23-28.25-4(b) may be substituted at option of the owner.

(b) Supervised systems. (1) A supervised system for the purpose of this Fire Safety Code is defined as a system where the manual operation of any fire alarm station or the automatic actuation of any thermodetector, smoke detector, sprinkler flow switch or other extinguishment system switch, or standpipe flow switch shall sound all alarm horns within the building, de-energize door holders to cause all fire/smoke doors that are allowed to be held open in the entire building to close, summon the local fire department, and for all new buildings shall interlock with all elevators to return them to a designated level. In the event that the designated level is in alarm, the elevators shall return to an approved alternate designated level where they shall be under the exclusive control of the fire department for the duration of the alarm condition. Operating power failure, low battery voltage, an open or grounded wire in any of the pull station/thermodetector/smoke detector/sprinkler flow switch circuits, the evacuation horn/strobe circuits, the circuit to the municipal master box or transmitter, or the leased line to the remote station shall activate audible and visual trouble signals on the system control panel and annunciator, that cannot be reset until the circuits are restored to normal. This is to include the removal of any alarm, trouble, or zone relays, and the removal of any zone detector card or bell card, and any low voltage fuses in the control panel. The audible trouble signal may be silenced with the trouble signal silencing switch but the lamp cannot be extinguished until the circuits are normal. Restoring the circuits to normal after the silencing switch has been operated shall cause the lamp to extinguish and the audible signal to resound until the silencing switch is restored to

normal. In the event of a commercial power outage, the entire system shall immediately transfer to a standby battery source of power and be capable of supplying the entire system for sixty (60) hours. All fire alarm initiating zone and signal wiring shall be wired Class 'A' McCough loop.

(2) Combination rate of rise and fixed temperature thermodetectors one hundred thirty-five degrees (135°) to one hundred forty degrees (140°) F. shall be located in all general storage rooms, all utility, electrical, and mechanical equipment rooms, all janitor closets, trash collection rooms, adjacent to all sleeping rooms separated from kitchens by any wall, maintenance shops, locker rooms, classrooms, projection booths, above transoms, and below any accessible stage areas. Detectors shall be installed in spaces of twenty-four inches (24") or more above suspended ceilings and in accordance with NFPA 72E, 1987 edition, § 2-6.4 and shall be on a separate zone.

(3) Automatic fixed temperature thermodetectors with a rating of one hundred ninety degrees (190°) to two hundred degrees (200°) F. shall be installed in all boiler rooms, accessible attics and kitchens or where permanent cooking or heating equipment is located.

(4) Smoke detectors shall be installed in all common corridors and at the top of all stairwells and elevator shafts and elevator landings.

(5) Manual fire alarms stations shall be distributed throughout the protected building so that they are unobstructed, readily accessible, and located at each required means of egress from the building and/or floor area. These stations shall not be marked local. Additional stations shall be provided on each floor or in each fire area to obtain a maximum horizontal travel distance of one hundred fifty feet (150') to the nearest station unless otherwise specified in occupancy sections of this code.

(6) Additional detectors may be required in areas deemed essential to life safety by the authority having jurisdiction, and shall be in compliance with §§ 23-28.25-5 and 23-28.25-6.

(c) High rise systems. (1) A high rise system for the purpose of this Fire Safety Code is defined as a supervised fire alarm system with voice communication and two-way fire department communication system, and shall be provided in all high rise buildings (more than six (6) stories or seventy-five feet (75') in height) regardless of the occupancy and shall operate as follows:

(2) The manual operation of any station or the automatic actuation of any thermodetector, smoke detector, sprinkler flow switch, or standpipe flow switch shall:

(i) Automatically sound a distinctive audible signal on the floor where the alarm originated and one floor above;

(ii) Automatically summon the local fire department;

(iii) Visually indicate the location of the origin of the alarm at the fire control center within the building;

(iv) Interlock with the heating and ventilating control system to start and stop air moving equipment as required;

(v) Interlock with all elevators to return them to a designated level. In the event that the designated level is in alarm, the elevators shall return to an approved alternate designated level where they shall be under the exclusive control of the fire department for the duration of the alarm condition; and

(vi) De-energize door holders to cause all fire/smoke doors which are allowed to be held open in the entire building to close.

(3) All high rise fire alarm and voice communication system equipment shall comply with UL Standards numbers 864 and 1480, 1980 editions, and shall also be provided with standby

amplification. A fire control center shall be provided at the main level of access to the building at a location approved by the chief of the fire department. This fire control center shall include, but is not limited to, fire alarm and fire detection system panel; voice communication system panels; emergency telephone systems; status indicators for air handling systems; elevators; and other systems as may be required. Means shall be provided at the fire control center to selectively manually operate the audible alarm signals on any floor. A microphone and suitable switches shall be provided at the fire control center to selectively transmit voice communications to all public areas on every floor or fire area or groups of floors or fire areas. Vocal communications shall override the alarm signal. Means shall be provided at the fire control center to operate the exitway stairway door unlocking system. Two-way telephonic communication system shall be provided between the fire control center and every stairway floor landing and each elevator lobby on every floor. In addition, a two-way fire emergency telephone shall be provided in every elevator. Firefighters' two-way telephone system shall be individually zoned and supervised by floors and shall be selectable at the control center. This system shall be wired in a separate metallic raceway system from the fire alarm system wiring. An individual telephone instrument shall be permanently installed at each telephone location and mounted in a lockable, break glass rod, red enclosure. Individual telephone annunciation shall be by telephone cradle switch. Speaker and telephone circuits shall also be supervised for shorts. Manual stations shall be located at every stairwell and elevator lobby on every floor and as indicated in subsection (b)(5). Combination rate of rise and fixed temperature therm detectors one hundred thirty-five degrees (135°) to one hundred forty degrees (140°) F. shall be located in accordance with subsection (b)(2). Automatic one hundred ninety degrees (190°) to two hundred degrees (200°) F. fixed temperature therm detectors shall be installed in accordance with subsection (b)(3). Smoke detectors shall be installed as required in subsection (b)(4), and on every fifth floor in every stairwell. Stairwell smoke detectors shall sound audible alarms in locations required by the authority having jurisdiction and not only on the smoke detector landing level. Speakers shall be provided so as to be effectively heard above all other sounds by all occupants in every occupied space on each floor or fire area. All circuitry to all manual stations, automatic therm detectors, and smoke detectors, sprinkler or standpipe flow switches, all fire communication speakers, and fire emergency telephones shall be supervised. An open or ground in any of this circuitry or a failure of any essential part of the amplifier shall activate audible and visual trouble signals at the fire control center. Standby power shall be provided as described in subsection (b)(1).

(d) Multiplex systems. Active polling multiplex systems shall be permitted. Microprocessor, software or wiring failures shall indicate a trouble condition specific to the failure. Multiplexing of analog and digital signals shall be provided between the Central Processing Unit (CPU) and circuit interfaces. (Remote Identification Modules, Transponders, Data Gathering Panels, etc.) on a dedicated Signaling Line Circuit (NFPA SLC). The Signaling Line Circuit shall be wired Class 'A'. (Style 6 NFPA 72A, 1987 edition). All wiring shall be as required by the manufacturer and a minimum of #16 gauge wire. All remote panels and devices shall derive their power from the CPU or from self-contained power supplies; the power supply shall be subject to the same primary and secondary power requirements as the main Fire Alarm Panel. The CPU, remote interface panels and modules, and the system devices shall be Underwriter's Laboratories Listed and Factory Mutual approved and cross listed for compatibility as a system by the panel manufacturer. Devices using self-contained addressable modules (i.e. smoke detectors, manual stations, etc.) shall be UL listed and FM approved for the desired application and shall meet all

requirements of this code for such devices. Removal of any such device shall cause a trouble signal specific to the affected device and shall not affect the operation of other devices on the circuit. Devices monitored or controlled by an addressable module separate from the device shall have the location of the addressable module plainly displayed at the CPU.

23-28.25-5. Equipment.

(a) All components of the fire alarm system including, but not limited to, the control equipment, the battery and charger, the annunciator, the manual stations, the automatic thermodetectors, the smoke detectors, the sprinkler flow switches, the door holder, and the alarm horns shall be listed by the Underwriters Laboratories, Inc. and/or approved by the Factory Mutual research corporation or any recognized testing laboratory satisfactory to the state fire marshal.

(b) Manual fire alarm stations shall be approved for the particular application and shall be used only for fire alarm signaling purposes, shall be double action, color red, key locked and shall be keyed the same as the fire alarm control panel door lock. The height of the manual station boxes shall be forty-eight inches (48") measured vertically, from the finished floor level to the activating handle or lever of the station.

(c) Alarm horns shall be the combination horn/strobe type or shall have a flashing strobe located nearby. This strobe shall be distinctively marked fire. Alarm horns shall be used for no other purpose and shall be of such character and so located as to be effectively heard above all other sounds by all occupants in every occupied space in the building. Where specified in occupancy sections of this code, bells or chimes may, with the approval of the authority having jurisdiction, be used in lieu of horns providing that they are distinct from any other signal in the building.

Approved speaker systems used for evacuation shall be at the same level for both speech information and alarm evacuation. Both speech information and alarm evacuation levels must be high enough to be heard above ambient room noises throughout the building. In bedroom areas alarm sounding levels must be at least fifteen (15) db above average ambient room noise levels of approximately fifty-five (55) db. Mini horns shall be installed in all sleeping areas if proper sound levels cannot be obtained.

(d) Thermodetector and smoke detector spacing shall not exceed the linear maximum indicated for that particular device by an Underwriter's Laboratories, Inc. or F.M. approved testing laboratory. In locations where thermodetectors and/or smoke detectors are required, the type and/or temperature rating of the thermodetector as required in the Rhode Island Fire Safety Code, chapters 28.1 - 28.39 of this title, may be modified by the authority having jurisdiction if, in the authority's judgment, the type or temperature setting of the unit is unsuitable due to environmental or structural conditions unique to that location. Areas in buildings having an approved system of automatic sprinklers shall be exempt from the requirements of thermodetectors. This exemption shall not apply to smoke detectors.

(e) Flow switches shall be provided on all sprinkler systems and standpipes installed in all buildings required by this code to have a fire alarm system. The flow switch shall activate the fire alarm system if any one sprinkler head is open or a fire hose on a standpipe is used. All flow switches shall have a retard feature to prevent false alarms due to a surge. A flow switch shall be installed in the main riser so that any flow of water in the system will activate this device. This flow switch shall be on a separate zone and will be designated water flow or sprinkler/standpipe. Flow alarm switches on sprinkler systems and wet standpipe systems shall be installed so that they cannot be disconnected from the fire alarm system by the operation of a shutoff valve. In addition to the flow switch on the sprinkler/standpipe main, flow switch(es) shall be installed on

each zone. Sprinklers shall be zoned as per fire alarm zones. An inspectors test valve shall be installed at the end of each sprinkler zone. Any alarm originating from a sprinkler head or a fire hose cabinet shall provide two (2) indications on the system annunciator: one to indicate 'sprinkler/standpipe' and one to indicate the zone. All hose cabinets on each floor shall be wired with flow switches. The flow switches shall alarm the zone where the cabinet is located.

(f) Switches shall be provided on all shutoffs for required sprinkler or wet standpipe systems such as O S and Y gate valves or post indicator valves in buildings required by this code to have a fire alarm system. This switch shall activate the fire alarm system or sprinkler zone trouble signal any time the water supply is shut off.

(g) A switch shall be provided on all required automatic extinguishing systems, in addition to sprinkler systems, in buildings required by this code to have a fire alarm system. This switch shall activate the building's fire alarm system any time the extinguishing system is actuated and shall be on a separate zone.

(h) (1) A building having a required fire alarm system, which is more than twenty thousand square feet (20,000 sq. ft.) in total area or which extends to more than one floor, shall have an annunciator to visually indicate the location of an alarm within the building located inside the main entrance of the building or in a location as approved by the authority having jurisdiction. Each floor shall be separately zoned. If a floor area exceeds twenty thousand square feet (20,000 sq. ft.), additional zoning shall be provided. In no case shall the length of any zone exceed two hundred feet (200') in any direction. Annunciators shall lock in until the system is reset. Selective coded systems utilizing a punch tape register shall be acceptable in lieu of an annunciated system. Other identifying devices such as a computer print-out are acceptable in lieu of an annunciator, subject to approval of the authority having jurisdiction. A directory or zone map as required by the authority having jurisdiction shall be provided for every zoned fire alarm system. Annunciator panel location shall meet the requirements of the authority having jurisdiction. If the annunciator is a remote panel, it shall contain all functions including a trouble light and audible trouble signal with silence switch, key-operated system reset, and system silence with resound and cover all required zones. Annunciation of alarm and trouble indications will be accomplished with the use of separate zone wiring and not with the use of multiple contact initiating devices. The annunciation shall be by floors or locations and not by a zone number only. In the event that a building has a fire pump or generator, provisions shall be made at the annunciator for visible/audible indication of generator or fire pump operation.

(2) In complexes consisting of multiple building clusters, a common fire department connection may, at the discretion of the authority having jurisdiction, be used providing a system powered one million (1,000,000) candle power strobe light shall be installed on each building so as to be visible at the master box or a central location.

(i) (1) All required fire alarm systems shall be connected to an approved power source in the building and in addition shall have automatically charged storage type battery standby (dry cell shall not be used) of sufficient capacity to operate the entire system as required by § 23-28.25-4 for the type of system after the principal source of power has failed. The fire alarm system must be able to function and sound the evacuation signals for at least five (5) minutes following the required standby period.

(2) Systems utilizing an emergency generator as a source of standby power shall not be exempt from the above requirements for battery standby power.

(j) In all buildings having a fire alarm system, the fire alarm system shall be interconnected to the building's heating, air conditioning, and ventilating controls so that the fan(s) two thousand

(2,000) cfm or greater capacity of any ventilating system not used for pressurization of a firesafe area and four (4) or more ceiling mounted industrial air circulation fans installed in one room shall automatically shut down any time, other than drills and when testing, that the fire alarm system is actuated. A manual override shall be provided in the fire alarm control panel for fire department use.

(k) All required smoke and fire doors in all buildings required by this code to have a fire alarm system may be held open only if equipped with magnetic door holders installed so as to close the doors anytime the alarm system within the building is activated. Smoke detector(s) connected to the alarm system within the building shall be installed proximate to every smoke and fire door.

(l) All buildings that have a fire alarm system per this fire alarm code that require fire drills to be held shall have a key operated drill switch installed at a remote location outside of the control panel subject to the approval of the authority having jurisdiction. The key shall not be the same as the control panel key.

23-28.25-6. Installation and wiring.

(a) All fire alarm system wiring within a building and between buildings in multiple building clusters shall be installed in metal raceway. An equipment bonding conductor shall be provided in all flexible metallic raceways. Type M.C. cable dual rated as FPL and 2-hour fire rated by UL may be selectively installed in buildings in areas with written approval of the authority having jurisdiction for this code and the provisions of subsection (b).

(1) EXCEPTION: Wiring between buildings may be buried if enclosed in PVC conduit or run aerially with approved I.M.S.A. shielded cable(s) subject to approval by the authority having jurisdiction.

(2) EXCEPTION: For 'local' type systems as defined in § 23-28.25-4(a), type FPL shielded with drain wire may be enclosed within walls and ceilings without a raceway. Each conductor shall be identified. Suspended drop-in type ceiling assemblies do not constitute a ceiling for the purpose of this subsection only.

(b) Wiring installation shall meet the following requirements:

(1) For 'local' systems as defined in § 23-28.25-4(a), conductors shall be minimum #16 gauge solid copper, type thhn/thwn or tfn.

(2) For 'supervised' systems as defined in § 23-28.25-4(b) or 'high rise' systems as defined in § 23-28.25-4(c), conductors shall be minimum #16 gauge solid copper, type thhn/thwn or tfn.

(3) A cable cutting tool with controlled depth of cut shall be used in all MC cable installations.

(4) UL listed type MC cable connectors with insulated bushings shall be used in all MC cable installations.

(5) Conductor size shall be increased as required so as to limit voltage drop to a maximum of three percent (3%).

(c) The color code for all fire alarm system conductors shall be as follows:

(1) DETECTOR CIRCUIT shall be red and black. Red shall be positive and black shall be negative. (NFPA IDC)

(2) HORN/STROBE CIRCUIT shall be blue and white. Blue shall be positive and white shall be negative. When bells, chimes or other audible/visual devices are used in lieu of horns, this color code shall be followed. (NFPA IAC)

(3) FLASHING STROBE CIRCUIT, if a separate feed is required, shall be orange and yellow. Orange shall be positive and yellow shall be negative.

- (4) SPRINKLER/STANDPIPE CIRCUITS shall be red and black. Red shall be positive and black shall be negative.
- (5) SMOKE DETECTOR CIRCUITS, if a separate power feed is required, shall be brown and violet. Violet shall be positive and brown shall be negative.
- (6) ELECTRO-MAGNETIC DOOR HOLDERS - BACK CIRCUITS shall be gray and gray.
- (7) MUNICIPAL MASTER BOX TRIPPING CIRCUITS shall be orange and orange.
Conductors for this circuit shall be installed in a separate raceway.
- (8) ELEVATOR CAPTURE CIRCUITS shall be brown and yellow.
- (9) FAN SHUT-DOWN CIRCUITS shall be orange and yellow.
- (10) REMOTE ANNUNCIATOR CIRCUITS shall be violet and numbered at each end.
- (11) BOND WIRES from the control panel to the master box ground rod, and all required bonding conductors shall be green.
- (12) MUNICIPAL FIRE ALARM LOOP from the master box to the municipal loop shall be black and white.
- (13) AC SUPPLY CIRCUIT to the main fire alarm control panel shall be white, black and red. The black shall be one phase, and the red shall be the opposite phase, if required. The white shall be the neutral. If a separate feed is required for the battery charger, it shall be black and white unless the main fire alarm control panel requires only one AC feed. In that case, the conductors to the battery charger shall be red and white.
- (d) Primary AC power and/or battery charger circuits shall be on a dedicated branch circuit(s). Circuit breaker locks shall be provided. AC and DC portions of the system shall be installed in separate raceways.
- (e) Any fire alarm wiring between the control panel and remote terminal cabinets, or between remote terminal cabinets may, at the option of the installer, be a multi-conductor cable with each conductor numbered at two-inch (2") intervals. All wiring from a terminal cabinet(s) to an alarm device(s) shall conform to the color code specified before herein. Terminal cabinets with hinged, lockable red covers shall be provided at all junction points. All conductor splices shall be made on screw-type terminal blocks; wire nuts, butt, crimp or screw type connectors shall not be used. All terminals within a terminal cabinet shall be properly labeled.
- (f) Spacing and location of thermodetectors or smoke detectors required by the Fire Safety Code shall be in accordance with NFPA 72E, 1987 edition.

23-28.25-7. Connection to fire department.

- (a) If a supervised fire alarm system required by this chapter is to be installed in a building in a city, town, or fire district having a municipal alarm system, the system within the building shall be connected into the municipal system via a local energy master box, auxiliary transmitter, radio master box, or other approved method so that any alarm within the building will be automatically relayed to the municipal fire department. Systems installed in buildings in a city, town, or fire district not having a municipal alarm system shall be connected to a remote station via a supervised leased telephone line (or other line).
- (b) In either event, the authority having jurisdiction shall be consulted as to the type and location of the master box or auxiliary transmitter or the location of the remote station.

23-28.25-8. System acceptance.

- (a) A pretest will be held with the installer and the manufacturer's technical representative present. In addition to the requirements listed below, the pretest shall demonstrate that each

smoke detector is operative and produces the intended response. Each smoke detector is tested in accordance with the manufacturer's recommendations to initiate an alarm at its installed location. After certification of a complete pretest, the installing contractor shall provide the authority having jurisdiction with written documentation, from the manufacturer's authorized representative of the outcome of the test and will re-inspect in the presence of the authority having jurisdiction and the manufacturer's authorized technical representative. A complete test shall be conducted as follows: the installing contractor, in the presence of a representative of the authority having jurisdiction, shall manually operate every manual fire alarm station, activate every rate of rise type thermodetector with heat, manually operate or electrically short out every fixed temperature thermodetector, actuate every smoke detector with smoke in accordance with the manufacturer's recommendations to demonstrate that smoke can enter the chamber and initiate an alarm, activate all automatic extinguishing system switches and activate every water sprinkler/standpipe flow switch by a flow of water.

(b) After installation and before the system acceptance test is performed, a copy of the testing and service contract will be furnished to the authority having jurisdiction by the owner or contractor. The contractor shall prepare and submit a single line diagram of each installation, as built, indicating wiring between equipment and locations of panels, manual pull stations, detectors, and other devices to the authority having jurisdiction.

(c) Each manual fire alarm station, thermodetector, smoke detector, extinguishing system switching circuits, flow switch circuit and each alarm horn/strobe circuit shall be opened in at least two locations to test for the correctness of the supervisory circuitry. All communications shall be tested completely. The fire alarm system shall be in accordance with this chapter and in one hundred percent (100%) operation prior to acceptance and/or issuance of a certificate of occupancy.

(d) The fire alarm system may be placed in operation prior to acceptance if in the opinion of the authority having jurisdiction, it will enhance public safety or provide property protection during the final phases of construction. In this case all devices will be thoroughly cleaned or replaced prior to the system acceptance test. The system will not be placed in operation without the written permission of the authority having jurisdiction. Under no circumstances will this be considered a final acceptance test.

23-28.25-9. Maintenance of the system.

Owners of buildings where systems are installed shall ensure that the systems and all of their components are in one hundred percent (100%) operating condition at all times and provide a twenty-four (24) hour emergency service number at the fire alarm panel. Owners of buildings where systems are installed shall provide written evidence to the authority having jurisdiction that there is a maintenance and testing program in force for the fire alarm system providing for periodic testing of the system. All systems except a system as described in § 23-28.25-4(a) with six (6) or less initiating devices shall be tested at least once every three (3) months with twenty-five percent (25%) of all manual stations, thermodetectors, smoke detectors and other devices operated with each test. A different twenty-five percent (25%) of the above mentioned devices will be operated at each inspection so that the entire system will have been tested at the end of each year. A system as described in § 23-28.25-4(a) with six (6) or less initiating devices shall require a full system test once every six (6) months. The person(s) or firm responsible for this testing shall be licensed as required by chapter 6 of title 5. The licensing requirements shall not apply to the fire department officer in charge of the scene to operate, reset or disconnect the fire

alarm system as required by the authority having jurisdiction. Certification of these tests shall be forwarded to the authority having jurisdiction from the person(s) or firm performing the test within ten (10) days of the completion of the test. The person(s) or firm performing the maintenance and testing of the fire alarm system shall notify the authority having jurisdiction within five (5) days, in writing, after the cancellation of a maintenance/testing agreement with the building owner. Any existing unaltered fire alarm system installed in accordance with previous state fire codes shall be maintained and tested in accordance with this section. It shall be the building owner's responsibility to certify periodic compliance with this section.

CHAPTER 28.26

DIP TANKS CONTAINING FLAMMABLE OR COMBUSTIBLE LIQUID

Section.

23-28.26-1. Applicability - Standard - Enforcing authority.

23-28.26-1. Applicability - Standard - Enforcing authority.

(a) This chapter shall apply to the design, equipment, installation, maintenance, and use pertaining to tanks, vats, and containers of flammable or combustible liquids in which articles or materials are immersed for the purpose of coating, finishing, treating, or similar processes, which shall be in accordance with N.F.P.A. Standard 34, 1989 edition.

(b) For the purposes of this chapter, the enforcing authority shall be the authority having jurisdiction.

CHAPTER 28.27

SPRAY APPLICATION USING FLAMMABLE OR COMBUSTIBLE MATERIAL

Section.

23-28.27-1. Applicability - Standard - Enforcing authority.

23-28.27-1. Applicability - Standard - Enforcing authority.

(a) This chapter shall apply to the design, equipment, installation, maintenance, and use pertaining to the application of flammable and combustible material when applied as a spray by compressed air, airless, or hydraulic atomization, or by steam or electrostatic method or by any other means in continuous or intermittent process. It also covers the application of combustible powders when applied in power spray guns or electrostatic fluidized beds, which shall be in accordance with N.F.P.A. Standard 33, 1989 edition.

(b) For the purposes of this chapter, the enforcing authority shall be the authority having jurisdiction.

CHAPTER 28.28 EXPLOSIVES

Section.

- 23-28.28-1. Definitions.
- 23-28.28-2. Permit required.
- 23-28.28-3. Manufacturing permit.
- 23-28.28-4. Dealers' permits.
- 23-28.28-5. Permit to possess explosives.
- 23-28.28-6. Permit to use explosives.
- 23-28.28-7. Application for use permit - Emergency permit.
- 23-28.28-8. Quarry operations and repeated blasting.
- 23-28.28-9. Standards for use of explosives.
- 23-28.28-10. Permit fees.
- 23-28.28-11. Expiration of permits.
- 23-28.28-12. Revocation of permit.
- 23-28.28-13. Records of shipments, sales, and purchases.
- 23-28.28-14. Sale to unlicensed persons prohibited.
- 23-28.28-15. Military and public agencies exempt.
- 23-28.28-16. Classification of explosives.
- 23-28.28-17. Reports.
- 23-28.28-18. Manufacture of explosives.
- 23-28.28-19. Records of visitors.
- 23-28.28-20. Storage of explosives on land.
- 23-28.28-21. Table.
- 23-28.28-22. Storage and transportation of explosives on water.
- 23-28.28-23. Standards for magazines.
- 23-28.28-24. Transportation of explosives.
- 23-28.28-25. Miscellaneous packaging and handling provisions - Reports of theft - Prohibited sales.
- 23-28.28-26. Requirement for removal of explosives or providing watchperson.
- 23-28.28-27. Report of explosion or fire.
- 23-28.28-28. Owner to inspect transporting vehicles.
- 23-28.28-29. Fire extinguishers.
- 23-28.28-30. Drivers of vehicles transporting blasting agents.
- 23-28.28-31. License to conduct blasting operations.
- 23-28.28-32. Bond for blasting operations.
- 23-28.28-33. Disposal of detonators and explosives prohibited.
- 23-28.28-34. Penalty for violations - Seizure of explosives.
- 23-28.28-35. Forfeiture of vehicles, vessels, or aircraft.
- 23-28.28-36. Severability.
- 23-28.28-37. Notice to adjoining landowners.

23-28.28-1. Definitions.

- (a) 'Blasting caps' mean thin copper shells containing dry fulminate of mercury or other similar substance either alone or in combination with fulminate of mercury and fired by a slow-burning safety fuse, or arranged to be fired by an electric current.
- (b) 'Boosters' mean a casing containing several ounces of a high explosive used to increase the intensity of explosion of the detonator of a detonating fuse.
- (c) 'Cordeau detonant' means a drawn-lead tube fuse containing trinitrotoluene.
- (d) 'Dealer' means any person, not a manufacturer, engaged in the business of buying and selling explosives other than empty cartridge shells (primed), percussion caps, small arms ammunition, small arms primers, and smokeless powder for small arms.
- (e) 'Delay electric igniters' mean small metal tubes containing a wire bridge in contact with a small quantity of ignition compound.
- (f) 'Detonating fuses' mean devices to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades.
- (g) 'Detonators' mean any device for the purpose of exploding an explosive charge, and shall include blasting caps, blasting caps with safety fuse, electric blasting caps, detonating fuses, and boosters.
- (h) 'Efficient artificial barricade' means an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet (3').
- (i) 'Electric squibs' mean small tubes or blocks containing a small quantity of ignition compound in contact with a wire bridge.
- (j) 'Empty cartridge bags - black-powder igniters' mean empty bags having attached thereto an igniter composed of black powder.
- (k) 'Empty cartridge shells, primed,' and 'empty grenades, primed' mean empty cartridge shells or grenades containing an ignition primer.
- (l) 'Explosive bombs' mean any explosive or incendiary material designed and constructed that when dropped, thrown, projected, or placed and initiated in any particular manner, will produce a violent release of high pressure and/or heat.
- (m) 'Explosive mines' mean metal containers filled with a high explosive and provided with a detonating device.
- (n) 'Explosive projectiles' mean metal shells loaded with explosives for use in cannon.
- (o) 'Explosive torpedoes' mean metal devices containing a means of propulsion and a quantity of high explosives.
- (p) 'Explosives' means gunpowders, powders used for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or any chemical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part thereof may and is intended to cause an explosion but shall not include petroleum products, turpentine, acetone, ethyl, ether, and benzol. Firecrackers, matches, empty cartridge shells (primed), percussion caps, small arms ammunition, small arms primers, and smokeless powder for small arms shall not be held to be explosives when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of the units to the injury of life, limb, or property.
- (q) 'Fuse lighters' and 'fuse igniters' mean small cylindrical hollow pasteboard or metal tubes containing an igniting composition in one end, the other end being open.

- (r) 'Grenades' mean metal or other devices containing an explosive for the purpose of liberating toxic gases, tear gases, or incendiary or smoke producing materials, and shall include hand grenades and rifle grenades.
- (s) 'High explosives' mean any explosive more powerful than low explosives or ordinary black powder, except smokeless powder and fulminates, and shall include dynamite, picric acid, picrates, chlorate powders, nitrate of ammonia powders, trinitrotoluene, dry nitrocellulose, dry nitrostarch, and any other explosive susceptible to detonation by a blasting cap.
- (t) 'Instantaneous fuse' means cotton yarns impregnated with meal powder.
- (u) 'License' shall mean the authority granted by the state fire marshal, in writing, for an individual to use explosives. A license for the use of explosives shall not be issued until the applicant exhibits suitable competency and proficiency and shall submit to such examination and test as the state fire marshal may prescribe. Before the licensee may use explosives he or she must apply to the state fire marshal for a permit for such use. At the discretion of the state fire marshal he or she may enter into reciprocal agreements with other states as to the licensing of blasters.
- (v) 'Low explosives' mean any explosive which cannot be detonated by a commercial blasting cap, and shall include sporting cannon, and blasting powders, flash powder sheets in bulk, flash powders packed in inner units exceeding two (2) ounces each, and flash powder or spreader cartridges exceeding seventy-two (72) grains each.
- (w) 'Manufacturer' means any person who is engaged in the manufacture of explosives or who otherwise produces any explosives. Persons reloading small arms ammunition shall not be considered as manufacturers.
- (x) 'Person' means any individual, partnership, association, or corporation.
- (y) 'Portable magazine' means a substantial wooden box covered with galvanized sheet metal not less than twenty-six (26) gauge, with the word 'EXPLOSIVES' in letters not less than six inches (6") in height painted conspicuously on the top thereof.
- (z) 'Primers,' 'percussion fuses,' 'combination fuses,' and 'time fuses' mean devices used to ignite powder charges of ammunition or the black-powder bursting charges of projectiles.
- (aa) 'Safety squibs' mean small paper tubes containing a small quantity of black powder.
- (bb) 'Small arm primers' and 'percussion caps' mean primers used for small arms ammunition.
- (cc) 'Small arms ammunition' means any cartridge or shell for use in a pistol, rifle, or shotgun, and shall include ball, shot, or blank cartridges or shells.
- (dd) 'Smokeless powder' means a propellant explosive from which there is little or no smoke when fired, and shall include smokeless powder for cannon and smokeless powder for small arms.
- (ee) 'State Fire Marshal' shall mean the state fire marshal or his or her designee.
- (ff) 'Tracer fuses' mean devices attached to projectiles and containing a slow-burning composition.

23-28.28-2. Permit required.

No person shall manufacture or deal in explosives, and no person shall possess or have under his or her control explosives other than empty cartridge shells (primed), percussion caps, small arms ammunition, small arm primers, and smokeless powder for small arms or black powder in excess of five (5) pounds unless he or she has obtained a permit therefore pursuant to the provisions of §§ 23-28.28-3 - 23-28.28-5.

23-28.28-3. Manufacturing permit.

(a) Application for a permit to manufacture explosives shall be made to the state fire marshal in such form as the state fire marshal shall prescribe; and shall state, among other things:

- (1) The name and address of the applicant;
- (2) The reason for desiring to manufacture explosives;
- (3) The applicant's citizenship, if the applicant is an individual;
- (4) If the applicant is a partnership, the names and addresses of the partners and their citizenship; and
- (5) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

(b) The state fire marshal shall issue the permit applied for unless he or she finds that either the applicant or the officers, agents, or employees of the applicant has been convicted of a crime involving moral turpitude, or a felony, or is disloyal to the United States, or otherwise does not qualify under rules and regulations as promulgated by the state fire marshal.

23-28.28-4. Dealers' permits.

(a) Application for permits to engage in the business of dealing in explosives other than empty cartridge shells (primed), percussion caps, small arms ammunition, small arms primers, smokeless powder, and black powder for small arms shall be made to the state fire marshal in such form as the state fire marshal shall prescribe and shall state among other things:

- (1) The name and address of the applicant;
- (2) The reason for desiring to engage in the business of dealing in explosives;
- (3) Citizenship, if an individual application;
- (4) If a partnership, the names and addresses of the partners and their citizenship; and
- (5) If an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship.

(b) The state fire marshal shall issue the permit applied for only to businesses for use at their place of business unless he or she finds that either the applicant or the officer, agents, or employees of the applicant have been convicted of a felony or crime involving moral turpitude, or are disloyal to the United States, or otherwise do not qualify under rules and regulations as promulgated by the state fire marshal.

23-28.28-5. Permit to possess explosives.

(a) Application for a permit to possess explosives, other than empty cartridge shells (primed), percussion caps, small arms ammunition, small arms primers and smokeless powder for small arms, or black powder in excess of five (5) pounds shall be made in writing to the state fire marshal in such form as the state fire marshal shall prescribe and shall state among other things:

- (1) The name and address of the applicant;
- (2) The reason for desiring the permit to possess explosives;
- (3) The applicant's citizenship, if the applicant is an individual;
- (4) If the applicant is a partnership, the names and addresses of the partners and their citizenship; and
- (5) If the applicant is a corporation or other business entity, the names and addresses of the officers thereof and their citizenship.

(b) The state fire marshal shall issue the permit applied for unless he or she finds that either the applicant or the officers, agents, or employees of the applicant have been convicted of a felony or

a crime involving moral turpitude, or is disloyal to the United States, and, provided, further, that no permit shall be issued to any person under the age of twenty-one (21) years of age.

(c) Provided, however, that if the applicant holds a valid permit from the bureau of alcohol, tobacco, and firearms of the department of treasury, then the state fire marshal may issue a permit to possess explosives.

23-28.28-6. Permit to use explosives.

Permit shall mean the authority granted by the state fire marshal, in writing, to use explosives. A permit for the use of explosives shall not be issued to any individual except those duly licensed and duly qualified to possess explosives by the state fire marshal. The state fire marshal shall retain a copy of each permit issued and shall immediately forward a copy of each permit to the city or town clerk in the city or town where work is to be performed. The city or town clerk shall be responsible for notifying local government officials and/or public safety officials of impending blast.

23-28.28-7. Application for use permit - Emergency permit.

The applicant must submit application to the state fire marshal, on a form issued by the state fire marshal, at least seventy-two (72) hours prior to the requested blast time. In the case of an emergency (an unforeseen hindrance that impedes the progress of a job that will cause financial hardship to the contractor if the hindrance is not rectified within a relatively short period of time) the applicant may apply for a permit to blast not less than twenty-four (24) hours before requested blast time and the state fire marshal may issue the permit. If the state fire marshal issues the emergency permit then applicant must hand deliver, immediately upon issuance by the state fire marshal, a copy of the emergency permit to the city or town clerk in the city or town in which blasting is to be done. Failure of applicant to deliver a copy of the emergency permit shall result in a fine of five hundred dollars (\$500) and suspension of license for sixty (60) days.

23-28.28-8. Quarry operations and repeated blasting.

The state fire marshal may issue, in the case of quarry or repeated blasting on a specific site or project, a permit to use explosives up to a maximum of one year from the date of issue or the length of the project, whichever sooner expires.

23-28.28-9. Standards for use of explosives.

(a) All licensees under this chapter, when using any explosives, shall not exceed the standards of distance, amount of charge, maximum earth vibration, and maximum air shock as set forth in the United States department of the interior bureau of mines report of investigators number 8507 which is entitled 'Structure Response and Damage Produced by Ground Vibration from Surface Mines Blasting', and any amendment and/or modifications thereof, which standards are incorporated herein by reference.

(b) Blasting limits. No licensee shall use an explosive weight in pounds per delay in excess of the formula of the distance to the nearest structure in feet, divided by the factor of seventy (70), multiplied by itself, $[W = (D/70) \text{ squared}]$, except when seismograph monitoring as set forth in subsection (c).

(c) Seismograph required. Each licensee shall be required to perform a seismograph test at the nearest structure to the blast prior to and during any blasting that would exceed the limits as set forth in subsection (b).

(d) (1) Seismic limits. At the structure nearest to the blast, the peak particle velocity in any direction at frequencies between 2.5 and 10 Hertz shall not exceed 0.5 inches per second, and at each frequency, f , greater than 10 Hertz, the peak particle velocity shall not exceed $0.05f$ inches per second up to a maximum of 2 inches per second. In addition, at the nearest structure no air-shock (sound) reading shall exceed one hundred and thirty-four (134) decibels using a 0.1-Hz, high-pass system, or exceed one hundred and thirty-three (133) decibels using a 2-Hz high-pass system or exceed one hundred and twenty-nine (129) decibels using a 5-Hz or 6-Hz high-pass system.

(2) If the licensee is blasting within the allowed limits as dictated under subsection (b), but is found in excess of the seismic limits of this subsection, the licensee shall reduce the amount of explosives per delay, or adjust the operation to comply with the limits as dictated by this subsection.

23-28.28-10. Permit fees.

(a) Each application for a license under this chapter shall be accompanied by the fee prescribed in this section, which fee shall be returned in the event the application is denied. The permit fee shall be as follows:

Manufacturer's permit	\$50.00 annually
Dealer's permit	\$35.00 annually
Possessor's permit	\$50.00 annually
User's permit based on estimated job cost	\$25.00 per increment of \$1000.00
Quarry or project permit based on estimated cost not more than \$99,000	\$100.00
over \$99,000	\$100.00 plus \$50.00 per \$100,000 or fraction thereof over \$99,000

(b) All fees collected pursuant to this section shall be deposited as general revenue.

23-28.28-11. Expiration of permits.

All permits issued under this chapter shall expire on the last day of each calendar year, unless sooner designated on the permit or sooner revoked.

23-28.28-12. Revocation of permit.

Any permit issued under this chapter may be revoked by the official issuing the permit on any ground specified in this chapter as a ground for denying an application for the permit or for a violation of any rules and regulation of the state fire marshal pertaining to explosives.

23-28.28-13. Records of shipments, sales, and purchases.

Manufacturers, dealers, possessors, and users shall keep a record of all Class A and Class B explosives shipped, purchased, sold, or used by them, which records shall include the name and address of each consignee, vendor, or vendee, the date of each shipment, sale, or purchase and the amount and kind of explosives shipped, sold, or purchased. This record shall be open for inspection by duly authorized agents of the state fire marshal and by all federal, state, and local law enforcement officers during normal business hours in such format as the state fire marshal shall prescribe.

23-28.28-14. Sale to unlicensed persons prohibited.

No person shall sell, barter, give, or dispose of Class A or Class B explosives to any person who does not hold a blasting license and a permit to possess or use explosives issued under the provisions of this chapter.

23-28.28-15. Military and public agencies exempt.

(a) The provisions of this chapter shall not apply to the armed forces of the United States, the National Guard, the Rhode Island State Guard, the Rhode Island militia, and the Rhode Island independent chartered military commands, or to officers or employees of the United States or this state who are authorized by the United States or the state to handle explosives nor to the police or fire departments of this state provided they are acting within their official capacity and in the proper performance of their duties.

(b) Security devices as used by banks containing explosives may be used with special permission granted by the state fire marshal.

(c) The Rhode Island militia and independent chartered military commands, as defined in title 31, may store explosives with special permission of the state fire marshal. No fee shall be charged by the state fire marshal for this permit.

23-28.28-16. Classification of explosives.

(a) In this chapter, explosives are classed as:

- (1) Dangerous explosives;
- (2) Less dangerous explosives; and
- (3) Relatively safe explosives.

(b) Class A (dangerous explosives) shall include: Ammunition for cannon with explosive projectiles; ammunition for cannon with gas projectiles; ammunition for cannon with smoke projectiles; ammunition for cannon with incendiary projectiles; black powder, except in manufacturer's containers, not exceeding one pound in capacity, and limited to five (5) one pound containers in a person's possession, and except persons holding either manufacturer's or dealer's permit blasting caps in quantity exceeding one thousand (1,000) caps in the aggregate; electric blasting caps in quantity exceeding one thousand (1,000) caps in the aggregate; boosters (explosive); detonating fuses; explosive bombs; explosive mines; explosive projectiles; explosive torpedoes; hand grenades; high explosives; low explosives; rifle grenades; wet fulminate of mercury.

(c) Class B (less dangerous explosives) shall include: Ammunition for cannon with empty projectiles; ammunition for cannon with sand-loaded projectiles; ammunition for cannon with solid projectiles; ammunition for cannon without projectiles; smokeless powder for cannon; smokeless powder for small arms, in quantities exceeding one hundred (100) pounds and all commercial type fireworks.

(d) Class C (relatively safe explosives) shall include: Blasting caps in quantity not exceeding one thousand (1,000) caps in the aggregate; blasting caps with safety fuse in quantity not exceeding one thousand (1,000) caps in the aggregate; electric blasting caps in quantity not exceeding one thousand (1,000) caps in the aggregate; cannon primers; combination fuses; combination primers; cordeau detonant, delay electric igniters; electric squibs; empty cartridge bags - black-powder igniters; empty cartridge shells, primed; empty grenades, primed; fuse igniters; fuse lighters; instantaneous fuses; percussion caps, percussion fuses; safety squibs;

small arms ammunition; small arms primers; time fuses; tracer fuses; smokeless powder for small arms in quantities not exceeding one hundred (100) pounds, and in individual manufacturer's containers of not more than fifteen (15) pounds each in a person's possession.

23-28.28-17. Reports.

All persons manufacturing, keeping, storing, using, selling, handling, transporting, or otherwise dealing in Class A or Class B explosives as defined in § 23-28.28-16 shall make reports to the fire marshal and the local fire and police chiefs so that the quantity and location thereof may be recorded. The reports shall be made in such format as the state fire marshal shall prescribe and shall be filed on the first day of each month or more often when required.

23-28.28-18. Manufacture of explosives.

(a) The entire occupied portion of the premises of an explosives manufactory shall be enclosed by a suitable fence to enable the management to have control of all persons entering the premises, and any building in which wet fulminate is stored or dried shall be likewise enclosed within a separate enclosure, the entrance to which shall be kept locked. There shall be sufficient number of notices conspicuously posted on the outside of these enclosures warning of the business conducted therein.

(b) The floor of any room in which fulminate is stored or used shall be covered with rubber matting, and only such an amount of fulminate as is required for immediate use shall be kept on hand. The wearing of shoes with metal nails within such rooms is prohibited.

(c) No naphtha, bitumen, sulphur, charcoal, or any organic substance shall be stored in close proximity to any chlorate or perchlorate.

(d) Persons under the age of eighteen (18) years shall not be employed in an explosive manufactory, and shall not be permitted to enter the manufactory unless accompanied at all times by some responsible person.

(e) Smoking shall be prohibited upon the premises of explosives manufactories, except that smoking may be permitted in such places as may be authorized by the authority which issued the permit. Signs bearing the words 'NO SMOKING' shall be conspicuously posted about the premises where smoking is prohibited. Carrying of matches or other flame producing devices upon the premises of explosives manufactories is prohibited except in receptacles especially provided and only when authorized by the person in charge of the manufactory.

23-28.28-19. Records of visitors.

Each person, firm or corporation engaged in the manufacture, dealing, or possessing of explosives, explosive compounds, or fuses shall keep a daily record of each person, other than employees, entering upon their magazine site. The information shall be available in the company's office and shall be open to inspection by the state fire marshal, local government officials, and/or public safety officials.

23-28.28-20. Storage of explosives on land.

(a) All Class A and Class B explosives, except as herein otherwise provided, shall be stored in a magazine which shall be located as required by the table in § 23-28.28-21, provided that if a magazine is to be used exclusively for the storage of Class B explosives, such magazine may be located one-half ($\frac{1}{2}$) the distance specified in the table in § 23-28.28-21.

(b) Magazines in which explosives are kept and stored must be detached from other structures. Magazines where more than five thousand pounds (5,000 lbs) of explosives are kept and stored must be located at least two hundred feet (200') from any other magazine, except cap magazines. Magazines where quantities of explosives over twenty-five thousand pounds (25,000 lbs) are kept and stored must have an increase over two hundred feet (200') of two and two-thirds feet ($2\frac{2}{3}'$) for each one thousand pounds (1,000 lbs) of explosives in excess of twenty-five thousand pounds (25,000 lbs) stored therein. The distances between magazines provided for in this subsection may be disregarded where the total quantity stored in the magazines, considered as a whole, complies with the quantity and distance table in § 23-28.28-21, except that, in all cases, the quantity of explosives contained in cap magazines shall govern in regard to spacing the cap magazines from magazines containing other explosives, but under no circumstances shall a magazine containing blasting caps be within less than one hundred feet (100'), not barricaded or fifty feet (50'), barricaded, from any magazine other than cap magazines.

(c) Whenever a magazine is effectually screened from a building, railroad, or highway, either by natural levels of the ground, or by an efficient artificial barricade of such height that any straight line drawn from the top of any sidewall of the magazine to any part of the building to be protected will pass through the intervening natural or efficient artificial barricade, and any straight line drawn from the top of any sidewall of any magazine to any point twelve feet (12') above the center of the railroad or highway to be protected will pass through the intervening natural or efficient artificial barricade, the applicable distances, as prescribed by the quantity and distance table, and the distances separating magazines may be reduced one-half ($\frac{1}{2}$).

(d) Fulminate of mercury in bulk in an amount not exceeding fifteen hundred (1,500) pounds at any one time shall, except at a manufactory, be stored in a wet condition and shall contain not less than twenty-five percent (25%) of water.

(e) Guncotton, containing not less than twenty percent (20%) of water, may be stored in an amount not exceeding two hundred fifty thousand (250,000) pounds at any one time in a building, provided the building is used exclusively for that purpose.

(f) Soluble or negative cotton in dry form may be kept for sale in a wholesale drug or photographic supply store in an amount not exceeding six (6) pounds at any one time in packages containing not more than one ounce each, and may be kept for sale in a retail photographic supply store in an amount not exceeding two (2) pounds at any one time, in packages containing not more than one ounce each.

(g) Liquid nitroglycerin shall not be stored, except in the form of the official United States pharmacopoeia solution, and may be kept in a weak solution of not more than one percent (1%) for medicinal use.

(h) Nitroglycerin may be kept for medicinal use in the form of tablets, pills or granules in quantity not exceeding five thousand (5,000) pieces at any one time, and containing not more than one twenty-fifth ($1/25$) of a grain each.

23-28.28-21. Table

Table Giving The Distance A Magazine Must Be Kept From The Nearest Building, Railway, or Highway

Quantity of detonators or amount of Class A and Class B explosives stored in a magazine

<u>Detonators</u>				<u>Other Class A and Class B Explosives</u>		
				*Distance From Nearest Building	*Distance From Nearest Railway	**Distance From Nearest Highway
Number Over	Number Not Over	Pounds Over	Pounds Not Over	Feet	Feet	Feet
1,000	5,000			30	20	10
5,000	10,000			60	40	20
10,000	20,000			120	70	35
20,000	25,000		50	145	90	45
25,000	50,000	50	100	240	140	70
50,000	100,000	100	200	360	220	110
100,000	150,000	200	300	520	310	150
150,000	200,000	300	400	640	380	190
200,000	250,000	400	500	720	430	220
250,000	300,000	500	600	800	480	240
300,000	350,000	600	700	860	520	260
350,000	400,000	700	800	920	550	280
400,000	450,000	800	900	980	590	300
450,000	500,000	900	1,000	1,020	610	310
500,000	750,000	1,000	1,500	1,060	640	320
750,000	1,000,000	1,500	2,000	1,200	720	360
1,000,000	1,500,000	2,000	3,000	1,300	780	390
1,500,000	2,000,000	3,000	4,000	1,420	850	420
2,000,000	2,500,000	4,000	5,000	1,500	900	450
2,500,000	3,000,000	5,000	6,000	1,560	940	470
3,000,000	3,500,000	6,000	7,000	1,610	970	490
3,500,000	4,000,000	7,000	8,000	1,660	1,000	500
4,000,000	4,500,000	8,000	9,000	1,700	1,020	510
4,500,000	5,000,000	9,000	10,000	1,740	1,040	520
5,000,000	7,500,000	10,000	15,000	1,780	1,070	530
7,500,000	10,000,000	15,000	20,000	1,950	1,170	580
10,000,000	12,500,000	20,000	25,000	2,110	1,270	630
12,500,000	15,000,000	25,000	30,000	2,260	1,360	680
15,000,000	17,500,000	30,000	35,000	2,410	1,450	720

**Table Giving The Distance A Magazine Must Be Kept
From The Nearest Building, Railway, or Highway**

Quantity of detonators or amount of Class A and Class B explosives stored in a magazine

<u>Detonators</u>				<u>Other Class A and Class B Explosives</u>		
				*Distance From Nearest Building	*Distance From Nearest Railway	**Distance From Nearest Highway
Number Over	Number Not Over	Pounds Over	Pounds Not Over	Feet	Feet	Feet
17,500,000	20,000,000	35,000	40,000	2,550	1,530	760
		40,000	45,000	2,680	1,610	800
		45,000	50,000	2,800	1,680	840
		50,000	55,000	2,920	1,750	880
		55,000	60,000	3,030	1,820	910
		60,000	65,000	3,130	1,880	940
		65,000	70,000	3,220	1,940	970
		70,000	75,000	3,310	1,990	1,000
		75,000	80,000	3,390	2,040	1,020
		80,000	85,000	3,460	2,080	1,040
		85,000	90,000	3,520	3,120	1,060
		90,000	95,000	3,480	[3,150]	1,080
		95,000	100,000	3,630	[3,180]	1,090

*Not owned or controlled by the licensee.

**Any road used generally by the public.

23-28.28-22. Storage and transportation of explosives on water.

No person shall store or transport any Class A or Class B explosives on the water of this state unless stored and transported in accordance with U.S. coast guard regulations.

23-28.28-23. Standards for magazines.

Magazines required for explosives shall be in compliance with federal explosive storage requirements, regulation number 27 CFR, § 181, subpart J-storage as promulgated by the bureau of alcohol, tobacco and firearms of the department of the treasury.

23-28.28-24. Transportation of explosives.

(a) When any Class A or Class B explosives are to be transported within this state, the explosives shall be packed in strong wooden boxes or cases suitable for the purpose and shall bear a label stating the kind of explosive therein. All boxes or cases containing any high explosives shall be plainly marked with the words 'HIGH EXPLOSIVE - DANGEROUS.'

- (b) No Class A or Class B explosives shall be carried or transported in any public conveyance through any street, tunnel, subway, right-of-way, or on an elevated structure.
- (c) All Class A and Class B explosives transported by a vehicle shall be carried in a magazine or compartment constructed in compliance with federal explosive storage requirements, regulations number 27 CFR, § 181, subpart J-storage as promulgated by the bureau of alcohol, tobacco and firearms of the department of the treasury.
- (d) A vehicle used for the transportation of Class A or Class B explosives shall have a strong substantial body, spring-mounted on a strong running gear, and shall be suitable for the purpose.
- (e) The operator of a vehicle carrying Class A or Class B explosives shall avoid, whenever possible, those streets on which there is a large number of persons, and the operator shall at no time leave such vehicle unattended.
- (f) No vehicle containing high explosives shall be driven along any street, avenue, or highway over which there is an elevated railway, except when necessary to reach the destination.
- (g) Vehicles containing Class A or Class B explosives in transit shall not be driven nearer than three hundred feet (300') of each other.
- (h) Each vehicle carrying more than two thousand (2,000) pounds of high explosives shall be continuously in the charge of one competent person and no other person shall be allowed in or upon the vehicle.
- (i) Any vehicle used for the transportation of Class A or Class B explosives shall carry signs that are in compliance with the U.S. department of transportation regulations regarding such signs and shall also have the owner's name painted on each side.
- (j) No metal tools or other pieces of metal, excepting such as may be necessary for the proper operation of the vehicle shall be carried on any vehicle carrying or transporting any high explosive.
- (k) All detonators carried or transported on the same vehicle or vessel which is carrying or transporting any other Class A explosives, shall be carried in a separate magazine.
- (l) Not more than thirty thousand (30,000) detonators, nor more than five thousand (5,000) pounds of other Class A explosives shall be transported on a vehicle at any one time through any street or public way except for a manufacturer who is regulated by the U.S. department of transportation.
- (m) All vehicles used for the transportation of Class A or Class B explosives shall be subject to annual inspection by the state fire marshal's office and a permit issued stating that the vehicle meets the requirements of this section. There shall be a thirty dollar (\$30.00) permit fee.
- (n) All fees collected pursuant to this section shall be deposited as general revenue.

23-28.28-25. Miscellaneous packaging and handling provisions - Reports of theft - Prohibited sales.

- (a) All cartridges exceeding four inches (4") in length, except gelatin dynamite, or high explosives containing not more than ten percent (10%) of a liquid explosive ingredient, shall be placed horizontally in boxes when in a magazine or in transit.
- (b) Detonators shall be kept away from electric wires or cables which may be carrying current.
- (c) Explosives to which any detonator is attached for other than immediate use shall not be possessed by any person.
- (d) Cases containing high explosives shall not be opened in a magazine.
- (e) In the opening of wooden boxes containing explosives, a wooden mallet and wooden wedge shall be used.

- (f) The loss by theft of any Class A or Class B explosives from a magazine shall be immediately reported to the authority which issued the permit.
- (g) No Class A, Class B or Class C explosives shall be sold or exposed for sale on any highway, street or public way.
- (h) No Class A or Class B explosive shall be sold to any minor under eighteen (18) years of age.

23-28.28-26. Requirement for removal of explosives or providing watchperson.

The state fire marshal may, at his or her discretion, at any time he or she deems it necessary for the public safety, require the removal of any explosive, or that a watchperson be placed continuously in charge of it with the cost to be borne by the permittee.

23-28.28-27. Report of explosion or fire.

Any explosion or fire occurring in connection with the keeping, storage, manufacture, sale, transportation, or use of explosive causing loss of life or injury or property damage shall be reported immediately to the state fire marshal, giving a detailed account of the same.

23-28.28-28. Owner to inspect transporting vehicles.

It shall be the duty of the person to whom a permit has been issued to transport explosives in vehicles of this classification to inspect daily or cause to be inspected daily those vehicles employed by him or her to determine that:

- (1) Fire extinguishers are filled and in operating condition.
- (2) Electric wires are insulated and securely fastened to prevent short circuits.
- (3) The motor, chassis, and body are reasonably clean and free of excess grease and oil.
- (4) The fuel tank and fuel lines are securely fastened and not leaking.
- (5) Brakes, lights, horn, windshield wiper, and steering mechanism are functioning properly.
- (6) Tires are properly inflated and free of defects.
- (7) The vehicles shall be in proper condition in every other respect and acceptable for handling explosives.
- (8) All warning signs are clean and clearly legible.

23-28.28-29. Fire extinguishers.

Each of the vehicles described in § 23-28.28-28 shall be equipped with two approved fire extinguishers carrying a minimum rating of 1A-10BC each and approved by a fire equipment testing laboratory recognized by the state fire marshal.

23-28.28-30. Drivers of vehicles transporting blasting agents.

Vehicles transporting blasting agents shall only be driven by and be in the charge of a licensed driver who is physically fit, careful, capable, reliable, able to read and write the English language proficiently, and not addicted to the use, or under the influence of intoxicants, narcotics, or drugs, and not less than twenty-one (21) years of age. The driver shall be familiar with the traffic regulations, state laws, and the provisions of this chapter.

23-28.28-31. License to conduct blasting operations.

- (a) No person shall conduct blasting operations unless he or she holds a license issued by the state fire marshal. Any person desiring to obtain a license to conduct blasting operations shall make application to the state fire marshal. A non-returnable fee of ten dollars (\$10.00) shall

accompany each application; five dollars (\$5.00) of which shall be for processing the application and five dollars (\$5.00) for the examination. There shall be a fifty dollar (\$50.00) fee for the license if issued. The application shall be in such form and contain such information as the state fire marshal may require. Within three (3) months after the date of receipt of his or her application, the applicant shall be examined as to his or her experience and ability to conduct blasting operations and, if found by the examiner to be qualified, he or she shall forthwith be issued a license. The license shall expire on June 30 of each year and may be renewed after its expiration without examination upon a payment fee of fifty dollars (\$50.00). A holder of a license to conduct blasting operations whose license is lost, misplaced, or stolen may obtain a duplicate license from the state fire marshal upon payment of ten dollars (\$10.00).

(b) Persons holding a valid out-of-state blasting certificate of competency shall be subject to all the requirements under this chapter.

(c) The state fire marshal is empowered to deny or immediately suspend or revoke the license of any holder found to be in violation of this law or any provision of chapter 28.28 of this title or rule or regulation related to explosives or has been convicted of arson at common law, or statutory burning involving the property of another.

(d) All fees collected pursuant to this section shall be deposited as general revenue.

(e) No person shall be permitted to work with blasting explosives unless he or she possesses a valid blasting license or possesses an apprentice permit and work under direct supervision of a licensed blaster.

(f) An apprentice permittee shall be required to be employed by a licensed blaster for a period of not less than eighteen (18) months prior to eligibility for examination. If the apprentice fails the examination, a re-examination can be given not less than one hundred eighty-three (183) days after the last examination date. A non-refundable fee of twenty-five dollars (\$25.00) shall accompany each application for processing and issuance of each apprentice permit.

23-28.28-32. Bond for blasting operations.

(a) The applicant for a permit to possess or to use explosives shall file a bond with the state fire marshal in the penal sum of not less than fifty thousand dollars (\$50,000), running to the state, with sureties approved by the state fire marshal, and with such conditions as the state fire marshal shall reasonably deem necessary and for such additional penal sums as the state fire marshal shall determine to be necessary to cover the losses, damages, or injuries that might ensue to persons or property by reason thereof.

(b) In addition to the requirement of section (a), prior to the use of explosives for demolition or prior to the issuance of a demolition permit, the local building inspector may require the applicant to file a bond with the locality in such amount, with such sureties and upon such conditions, as the local building inspector may reasonably deem necessary.

(c) Any person may recover on such bonds as described in this section for injury to his or her person or property.

23-28.28-33. Disposal of detonators and explosives prohibited.

Detonators or explosives shall not be disposed of except by turning them in to the state fire marshal.

23-28.28-34. Penalty for violations - Seizure of explosives.

- (a) Any person who violates any provision of this chapter shall, upon conviction, be imprisoned for a term of not more than one year, or shall be fined not more than one thousand dollars (\$1,000) or both.
- (b) The state fire marshal or his or her deputies or any officer qualified to serve criminal process may arrest without a warrant any person found in violation of this chapter and shall seize immediately any and all explosives in illegal possession, use, or under his or her control, and the explosives seized shall upon conviction of that person be forfeited to the state.
- (c) Notice of seizure of the explosives under subsection (b) shall immediately be sent to the state fire marshal by the officer making the seizure and the explosives seized shall be turned over to the state fire marshal to be held pending the trial.

23-28.28-35. Forfeiture of vehicles, vessels, or aircraft.

- (a) Any vehicle, vessel, or aircraft being used to transport any explosives as defined under this chapter shall be seized and forfeited to the state if that vehicle, vessel, or aircraft is not being used by a person licensed to blast or a permittee to transport or possess explosives; provided, that no vehicle, vessel, or aircraft used by any person shall be forfeited under the provisions of this chapter unless it shall appear that the owner of the vehicle, vessel, or aircraft had knowledge, actual or constructive, and was a consenting party to the alleged illegal act.
- (b) Any law enforcement agency whose duty it is to enforce the laws of this state is empowered to authorize designated officers or agents to carry out the seizure provisions of this chapter. It shall be the duty of any officer or agent so authorized, designated, or authorized by law, whenever he or she shall discover any vehicle, vessel, or aircraft which has been or is being used in violation of any provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place, to seize such vehicle, vessel, or aircraft and to place it in the custody of such person as may be authorized or designated for that purpose by the respective law enforcement agency pursuant to these provisions.
- (c) The attorney general shall proceed pursuant to §§ 12-21-23 - 12-21-32 to show cause why the vehicle, vessel, or aircraft shall be forfeited to the use of, or the sale by, the law enforcement agency making the seizure on producing due proof that the vehicle, vessel, or aircraft was being used in violation of the provisions of this chapter. Notice to the owner thereof of the seizure and of the time set for hearing thereon shall not be less than five (5) days nor more than fifteen (15) days after the seizure. When it appears by affidavit that the residence of the owner of a vehicle, vessel, or aircraft is out of the state or is unknown to the attorney general the court shall appoint an attorney to represent the absent owner within ten (10) days after the application. The affidavit may be made by the attorney general or one of his or her assistants. The attorney so appointed may waive service and citation of the petition but shall not waive time or any legal defense. At all times herein notice shall also be given to all recorded lienholders and the use or sale of any vehicle, vessel, or aircraft forfeited under this chapter shall be subject to the rights of those recorded lienholders.

23-28.28-36. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

23-28.28-37. Notice to adjoining landowners.

Prior to the commencement of blasting operations, any person, firm, corporation, or other entity that is regulated pursuant to the provisions of this chapter shall notify the owner or owners of record of any improved real property within five hundred (500') feet, as measured from the nearest borehole to the closest improved real property, of an intended blast or detonation, excluding road, bridge, utility, and public works construction, no less than twenty-four (24) hours prior to the blast or detonation.

CHAPTER 28.29

MODEL ROCKET ENGINES

Sec.

23-28.29-1. Legislative findings.

23-28.29-2. Sale and use of rocket engines.

23-28.29-3. "Model rockets" defined.

23-28.29-4. "Model rocket engine" defined.

23-28.29-5. Engine standards.

23-28.29-6. Use.

23-28.29-7. Permit to sell.

23-28.29-8. Application.

23-28.29-9. Minimum age for possession or purchase.

23-28.29-10. Protection of persons near launching device.

23-28.29-11. Possession.

23-28.29-12. Use as a weapon.

23-28.29-13. Supervision of arming, firing, and disposal of rocket engines.

23-28.29-14. Revocation of permits and authorized use of firing areas.

23-28.29-15. Experimental or amateur rocket engines - Possession and use of model rockets by schools.

23-28.29-16. Regulations and standards by fire marshal - Issuance of copies of this chapter and regulations.

23-28.29-17. Penalty for violation.

23-28.29-1. Legislative findings.

It is recognized that the pursuit of the hobby of flying model rockets by the citizens of the state is desirable for both educational and recreational benefits derived. Many schools have established courses of instruction which include within the framework of their curriculum the construction, testing, launching, and study of model rockets, and it is deemed and hereby decreed proper and appropriate that, in order to protect the health and welfare of the general public and for the preservation of property within the state, the general assembly shall cause the sale and use of model rocket engines to be regulated and controlled.

23-28.29-2. Sale and use of rocket engines.

No model rocket engine as defined in § 23-28.29-3 shall be sold or offered for sale, or otherwise transferred, and no model rocket engine shall be ignited or used or caused to be ignited or used, except in accordance with this chapter, and the rules and regulations promulgated by the state fire marshal, or his or her duly authorized deputy, both hereinafter referred to as 'state fire marshal' in this chapter.

23-28.29-3. "Model rockets" defined.

'Model rockets' are defined as nonprofessional rockets which are propelled by approved commercially manufactured solid propellant engines.

23-28.29-4. "Model rocket engine" defined.

'Model rocket engine' is a commercially manufactured, non-reusable rocket propulsion device constructed of a nonmetallic casing and solid propellant wherein all of the ingredients are self-

contained so as not to require mixing or handling by the user. The propellant charge shall not exceed two and two tenths (2.2) ounces.

23-28.29-5. Engine standards.

No model rocket engines shall be sold or used as provided in this chapter, unless they shall be manufactured and classified in accordance with the recommendations of the national fire protection association. Each model rocket engine shall be imprinted with this standardized classification.

23-28.29-6. Use.

Model rocket engines shall be used only in model rockets conforming to the provisions of § 23-28.29-2. This section does not prevent the state fire marshal, with written approval of the fire official of the city or town, from authorizing the use of classified model rocket engines for educational, meteorological, and technical industrial purposes.

23-28.29-7. Permit to sell.

(a) No person who sells at retail shall receive, possess, or sell any model rocket engines without first securing a permit issued to that person by the fire official having the responsibility for the suppression and prevention of fire in the city or town where the model rocket engine is to be sold in accordance with the regulations to be promulgated under this chapter by the state fire marshal. The model rocket engine user is prohibited from selling engines in his or her possession to any other person.

(b) In any city or town in which there exists no organized fire protection agency responsible for the protection of the area, fire official for the purpose of this section shall be the state fire marshal.

23-28.29-8. Application.

Application for a permit to 'sell at retail' model rocket engines shall be made to the fire official having the responsibility for the prevention and suppression of fire in the city or town in which the model rockets are to be sold. Application shall be made in writing upon a form prescribed by the state fire marshal.

23-28.29-9. Minimum age for possession or purchase.

No model rocket engines shall be sold, given, or delivered to any person under eighteen (18) years of age, except that model rocket engines bearing the standardized engine coding 1/4A, 1/2A, A, B, and C may be sold to any person not less than fourteen (14) years of age, who is accompanied by a parent or guardian at the time of purchase. A person between the ages of fourteen (14) years and eighteen (18) years may purchase model rocket engines for a period of one year from the date of filing with the retail seller of a statement by the purchaser's parent or guardian on a form approved by the state fire marshal, certifying to the consent of the parent or guardian to the purchase by that person of model rocket engines from the seller for a period of one year.

23-28.29-10. Protection of persons near launching device.

(a) No person other than the user and members of the user's model rocket club or organization, if any, shall be permitted within one hundred feet (100') of the launching device.

(b) Except for those persons actually participating in the firing, no member of the club or organization, if any, which is firing 'model rockets,' shall be permitted within twenty-five feet (25') of the launching device at the time of ignition.

23-28.29-11. Possession.

The model rocket engine user shall keep all model rocket engines in his or her possession from the time of purchase to the time when the engine is installed in the model rocket during the preparation for firing.

23-28.29-12. Use as a weapon.

A model rocket shall not be used as a weapon against ground or air targets.

23-28.29-13. Supervision of arming, firing, and disposal of rocket engines.

The user of the model rocket shall supervise the arming of the rocket with the rocket engine, and the firing and disposing of all fired or defective rocket engines. The user of the firing site shall be responsible for the safety of all spectators and other persons connected with the firing of model rockets.

23-28.29-14. Revocation of permits and authorized use of firing areas.

The state fire marshal or the fire official may immediately revoke a permit to sell model rocket engines at retail if he or she finds that those persons granted a permit have violated this chapter or the regulations promulgated under this chapter by the state fire marshal. The fire official having the responsibility for the suppression and prevention of fire in the city or town where the model rocket engine is to be used may immediately prohibit the use of a firing area if he or she finds those persons authorized to fire model rockets have created an undue hazard to life and property.

23-28.29-15. Experimental or amateur rocket engines - Possession and use of model rockets by schools.

The provisions of this chapter shall not be used to establish the authority to possess, launch, or use experimental or amateur rocket engines, nor to abridge the right of a bona fide school to possess and use model rockets in connection with a regular course of instruction within its curriculum, and under the direct supervision of a teacher regularly employed by that school.

23-28.29-16. Regulations and standards by fire marshal - Issuance of copies of this chapter and regulations.

(a) The state fire marshal is hereby authorized to issue regulations relating to the enforcement and application of the provisions of this chapter, including, but not limited to, the standards to be followed by fire officials in granting permits to sellers, the requirements for the testing of model rocket engines, and the determination of standards of design, weight, and power permitted to be used in model rockets under this chapter.

(b) All regulations so promulgated shall be printed and issued to all licensed retail sellers for distribution to purchasers of model rocket engines. A copy of this chapter shall also be available for inspection by purchasers at the retail seller's place of business, and shall be kept in a conspicuous place upon or near the counter or area from which model rocket engines are sold.

23-28.29-17. Penalty for violation.

Any person or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100) or imprisonment for a period of thirty (30) days, or both.

CHAPTER 28.30

COMMUNITY RESIDENCES FOR THE MENTALLY RETARDED, MENTALLY ILL, DRUG ABUSERS, AND ALCOHOLICS

Section.

- 23-28.30-1. "Community residence" defined.
- 23-28.30-2. Applicability.
- 23-28.30-3. Use of existing community residences of combustible construction.
- 23-28.30-4. New construction - Additions - Conversions.
- 23-28.30-5. Roofs.
- 23-28.30-6. Egress facilities required.
- 23-28.30-7. Egress passageways.
- 23-28.30-8. Stairways.
- 23-28.30-9. Outside stairways.
- 23-28.30-10. Vertical openings.
- 23-28.30-11. Doors, doorways, and transoms.
- 23-28.30-12. Exit signs.
- 23-28.30-13. Illumination of exit passages.
- 23-28.30-14. Fire alarms.
- 23-28.30-15. Fire extinguishers.
- 23-28.30-16. Fire prevention - Drills.
- 23-28.30-17. Heating equipment.
- 23-28.30-18. Housekeeping.
- 23-28.30-19. Fire stopping.
- 23-28.30-20. Decorative and acoustical materials.
- 23-28.30-21. Interior finish.
- 23-28.30-22. Exemption.
- 23-28.30-23. Inspections.
- 23-28.30-24. Scope of inspections.
- 23-28.30-25. Time for correction of defects.
- 23-28.30-26. Penalty.
- 23-28.30-27. "Community residence II" defined.
- 23-28.30-28. Applicability.
- 23-28.30-29. Construction requirements.
- 23-28.30-30. Egress facilities required.
- 23-28.30-31. Egress passageways.
- 23-28.30-32. Stairways to basement.
- 23-28.30-33. Other vertical openings from basement.
- 23-28.30-34. Doors and doorways.
- 23-28.30-35. Fire alarms.
- 23-28.30-36. Fire extinguishers.
- 23-28.30-37. Fire drills.
- 23-28.30-38. Heating equipment.
- 23-28.30-39. Housekeeping.
- 23-28.30-40. Interior finish.
- 23-28.30-41. Use of windows.

23-28.30-42. Means of egress dimensions.

23-28.30-1. "Community residence" defined.

As used in this chapter:

(1) A 'community residence' is defined as a community based residential facility. A community residence operates twenty-four (24) hours a day to provide room, board, and supportive services to less than twenty (20) persons who are mentally retarded, mentally ill, drug abusers, and/or alcoholics and who are in need of those services.

(2) A 'community residence' would include, but not be limited to, the group home, hostel, or half-way house. This definition does not include nursing homes or other forms of facilities which are primarily directed toward meeting the health or health related and/or medical needs of the resident.

23-28.30-2. Applicability.

The regulations contained in this chapter shall apply to all community residences as defined in § 23-28.30-1.

23-28.30-3. Use of existing community residences of combustible construction.

In combustible buildings presently used as community residences, the first and second stories may be used as such. Use of the third story will be limited to staff occupancy unless the building is completely protected by a system of automatic sprinklers installed and maintained in accordance with proper and acceptable standards. No building may be used as a community residence if it is more than three (3) stories in height above the ground and is of combustible construction. An unoccupied area immediately below the roof shall not be considered as a story in the application of this section.

23-28.30-4. New construction - Additions - Conversions.

Every community residence hereafter constructed, every addition hereafter made to a community residence, and every building hereafter converted for use in whole or in part as a community residence, shall be completely protected by an approved system of automatic sprinklers, installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards.

23-28.30-5. Roofs.

Roofs of community residences shall be covered with roofing which is not readily flammable.

23-28.30-6. Egress facilities required.

Each story of every building used as a community residence shall have at least two (2) approved means of egress. Exits shall be located remote from each other providing the best practicable means of egress for all occupants in the event fire renders one exit impassable. Each occupied room shall have at least one doorway opening directly to the outside or to a corridor leading directly to, or by stairway to the outside.

23-28.30-7. Egress passageways.

- (a) In existing buildings, corridors and passageways shall be not less than thirty-two inches (32") in width. In new buildings, corridors and passageways shall be not less than thirty-six inches (36") in width.
- (b) Corridors and passageways considered as approved means of egress shall be at least eighty-four inches (84") in height.
- (c) Access to all interior and outside stairways, to fire escapes, and other exits considered as means of egress, shall be unobstructed and shall not be through a bathroom or a room used for any other purpose that may obstruct free passage, nor shall access be veiled from open view by ornamentation, curtains, or other appurtenances.

23-28.30-8. Stairways.

- (a) Stairways in approved egress passages in existing buildings shall be not less than thirty-two inches (32") in width and in new buildings and additions to existing buildings, such stairways shall be not less than thirty-six inches (36") in width between handrails.
- (b) All stairways in egress passages shall have a suitable handrail on one side.
- (c) Landings in new buildings forty-four inches (44") in depth and at least width of door in existing buildings.
- (d) Stair treads on inside required egress stairways in building shall be not less than eight inches (8") in width, exclusive of nosing, and risers shall not exceed eight and one-half inches (8½") in height. In new buildings, stair treads shall be not less than nine and one-half inches (9½") wide and risers shall not exceed seven and three-fourths inches (7 ¾") in height.
- (e) Ramps may be substituted for stairs in new and existing buildings, and the grade shall not exceed one foot (1') in ten feet (10') of run.
- (f) Winding stairs shall not be allowed in new construction. Winders in existing buildings shall not exceed a ninety-degree (90°) turn in otherwise complying stairway.

23-28.30-9. Outside stairways.

Outside stairways shall be twenty-four inches (24") in width and constructed and installed in accordance with chapter 28.8 of this title.

23-28.30-10. Vertical openings.

All interior stairways constituting approved passageways shall be enclosed and segregated from other portions of the building by materials with a fire resistant rating of not less than sixty (60) minutes. All other vertical openings throughout these buildings shall be enclosed by materials with a fire resistant rating of not less than sixty (60) minutes. Where full enclosure is impracticable, the required enclosure may be limited to that necessary to prevent a fire originating in any story from spreading to any other story.

23-28.30-11. Doors, doorways, and transoms.

- (a) All doorways which are an approved means of egress shall be at floor level in new structures and as near thereto as practicable in existing structures.
- (b) All egress doors to the outside or into stairways or passages leading to the outside shall open out in the direction of egress travel. There shall be no obstruction at any time to the opening or closing of egress doors.

- (c) All egress doors leading directly outside shall be at least thirty-two inches (32") in width, in existing buildings. In new buildings egress doors shall not be less than thirty-six inches (36") in width.
- (d) All egress openings shall be equipped so as to ensure opening of the doors by a single latch with normal strength.
- (e) No door shall be equipped with a lock, latch, bolt, or other fastening device which will allow for locking the door against opening from within or which will require a second operation or motion to open the door for egress purposes.
- (f) Door assemblies in walls or partitions required to be fire-resistive, except doors in exterior walls, shall have a fire-resistance rating comparable to the related wall construction.
- (g) All doorways entering on common use corridors or egress passageways shall be protected by a substantial door such as a one and three-eighths inch (1 3/8") solid wood bonded core door or the equivalent so installed as to provide a reasonably smoke and gas tight barrier.
- (h) Transoms and other similar openings in corridors and passageways shall not be allowed in new constructions. Existing transoms and like openings in corridors and passageways shall be permanently sealed and made fire-resistant equal to the related door or sidewall opening.

23-28.30-12. Exit signs.

Illuminated signs shall be placed at each approved means of egress from each story, and shall be so installed as to be visible at all times from the direction of travel thereto. When these doorways and signs are not readily discernible from corridors, an adequate number of additional signs shall be provided with an arrow pointing in the direction of exit travel.

23-28.30-13. Illumination of exit passages.

Lighting shall be provided at all times for the lighting of corridors, stairways, passageways, ramps, and fire escapes.

23-28.30-14. Fire alarms.

A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in every community residence #1.

23-28.30-15. Fire extinguishers.

All community residences shall be provided with at least one fire extinguisher on each floor easily accessible to all, which will be subject to annual inspection. It shall be appropriate for use in the area in which it is located.

23-28.30-16. Fire prevention - Drills.

There will be twelve (12) fire drills per year and a written procedure for evacuation. Further, there will be eight (8) hours a year set aside for staff development regarding fire prevention and safety program. This program must be approved by the state fire marshal's office.

23-28.30-17. Heating equipment.

- (a) Central heating plants, steam boilers, and oil-fire water heaters shall be segregated from all other occupancies by walls, ceilings, and floors having a fire resistant rating of not less than sixty (60) minutes in existing combustible buildings, and which shall provide a reasonably smoke-

tight enclosure. In new construction and in noncombustible buildings, such enclosure shall be of noncombustible construction having a fire-resistant rating of not less than two (2) hours.

(b) An enclosure for heating equipment shall be provided with adequate vents direct to the outside sufficient for proper combustion and exhaust. Ventilating openings shall be provided having a total area equal to not less than twice the flue outlet of the heating plant; the opening shall be maintained in an open position with fixed louvers.

(c) Heater rooms shall only contain equipment for heating, water supply, and switchboard and shall not be used for any other purpose.

(d) Interior door assemblies to heater rooms in combustible buildings shall be of not less than sixty (60) minute fire resistant construction and shall be equipped with a positive self-closing device and latch. In new construction, the heater room doors shall be Class 'B' type doors swinging into the heater rooms and equipped with a positive self-closing device. The doors shall have no hold-open device and shall be kept closed at all times.

(e) The furnaces, boilers, and other fired units shall be vented by means of reasonably gas-tight smoke pipes or breechings connected properly to a chimney constructed of brick, solid block masonry, or reinforced concrete with suitable flue lining properly erected and maintained in a safe condition.

(f) Oil burners shall be equipped with proper devices for automatic lighting, controls for oil flow and temperature, and other proper safety devices, and shall also be installed with an auxiliary switch wired to position in location providing operation remote from any fire danger area.

23-28.30-18. Housekeeping.

All community residences premises and other occupancies within buildings containing community residences shall be kept clean and in a tidy condition and free from accumulation of combustible debris or other waste material.

23-28.30-19. Fire stopping.

Exterior walls of frame construction and interior stud partitions shall be fire stopped by two-inch (2") thick timber or plate at the ceiling of the basement.

23-28.30-20. Decorative and acoustical materials.

All combustible decorative and acoustical materials, including curtains located in corridors, passageways, stairways, lobbies, and other rooms or spaces for general boarder or public use shall be rendered and maintained flame-resistant.

23-28.30-21. Interior finish.

The interior finish in every community residence shall be as regulated or modified by the provisions of the description of interior finish in § 23-28.1-5. Flamespread rate of interior finish throughout shall not be less than Class 'C'.

23-28.30-22. Exemption.

Community residences as defined in § 23-28.30-1 shall be exempt from the provision of § 23-28.1-6.

23-28.30-23. Inspections.

The director of mental health, retardation, and hospitals shall make or cause to be made unannounced inspections and investigations at least once every two (2) months of the community residences. The inspections shall be conducted both as to profit and non-profit facilities and the results shall be open to public inspection; however, requirements as to the fire safety code will be deferred in accordance with § 23-28.1-7.

23-28.30-24. Scope of inspections.

Inspections and investigations shall include health, sanitation, nursing care, and dietary and any other condition immediately affecting the patients.

23-28.30-25. Time for correction of defects.

- (a) Every organization, corporation or person who will be inspected or investigated under § 23-28.30-23 will begin to correct health, sanitation, nursing care, and dietary defects immediately upon notice by the director of mental health, retardation, and hospitals that the defects exist. Notification will be made by registered letter return receipt requested from the director of mental health, retardation, and hospitals to the organization, person, or corporation so inspected.
- (b) However, every defect will be fully and wholly corrected within thirty (30) days from the time of notice unless an extension will be granted for good cause shown but no such extension will exceed fifteen (15) days.

23-28.30-26. Penalty.

Every organization, person, or corporation who shall willfully and continually violate any provisions of §§ 23-28.30-23 and 23-28.30-25 will be subject to a fine up to three hundred dollars (\$300) for each violation thereof.

23-28.30-27. "Community residence II" defined.

- (a) A 'community residence II' is defined as a community based residential facility. A community residence II operates twenty-four (24) hours a day to provide room, board, and supportive services to eight (8) or less persons who are mentally retarded, mentally ill, drug abusers, and/or alcoholics who are in need of such services.
- (b) A 'community residence II' would include, but not be limited to, the group home, hostel, or half-way house being used for this purpose. This definition does not include nursing homes or other forms of facilities which are primarily directed toward meeting the health or health related and/or medical needs of the resident.

23-28.30-28. Applicability.

The regulations contained in §§ 23-28.30-23 - 23-28.30-26 shall apply to all community residences II as defined in § 23-28.30-27.

23-28.30-29. Construction requirements.

- (a) Every community residence II shall be no more than one story in height.
- (b) Every new community residence II shall be completely protected by an approved system of automatic sprinklers, installed and maintained in accordance with N.F.P.A. Standard 13, 1989 edition and its related standards.

23-28.30-30. Egress facilities required.

(a) Each community residence II shall have at least two (2) approved means of egress from an occupied level. Exits shall be located remote from each other providing the best practicable means of egress for all occupants in the event fire renders one exit impassable.

(b) Windows may be used as secondary exits provided they meet all of the following requirements:

(1) The windows must be capable of being opened from the inside without the use of tools; and

(2) The window must provide a usable opening of not less than twenty inches (20") in width, twenty-four inches (24") in height and five and three-tenths square feet (5.3 sq. ft.) in area; and

(3) The window shall be not more than forty-four inches (44") above the floor and not more than six feet (6') above the adjacent ground level.

(c) If windows are used as a second means of egress, all sleeping rooms must have at least one window complying with the requirements of subsection (b).

23-28.30-31. Egress passageways.

Corridors and passageways shall be not less than thirty-six inches (36") in width. Access to exits shall not be through a room the door to which is subject to locking.

23-28.30-32. Stairways to basement.

The stairway to any basement from the occupied floor of the community residence II shall be enclosed at the top or bottom with one hour fire resistant materials so that the basement area is segregated from the occupied area.

23-28.30-33. Other vertical openings from basement.

All other vertical openings from the basement to the occupied floor in such buildings shall be enclosed by materials with a fire resistant rating of not less than one hour.

23-28.30-34. Doors and doorways.

(a) All doorways in an approved means of egress shall be at floor level and/or grade level or as near thereto as practicable.

(b) Doors to occupied rooms and means of egress shall be not less than thirty inches (30") in width.

(c) Doorways to sleeping rooms shall be protected by a substantial door such as one and three-eighths inches (1 3/8") solid wood bonded core door or the equivalent so installed as to provide a reasonably smoke and gas tight closure.

(d) No door shall be equipped with a lock, latch, bolt, or other fastening device which will allow locking the door against opening from within the room or which will require a second operation or motion to open the door for egress purposes.

23-28.30-35. Fire alarms.

Smoke detectors shall be installed in accordance with §§ 23-28.34-2 - 23-28.34-7.

23-28.30-36. Fire extinguishers.

All community residences II shall be provided with at least one fire extinguisher of an approved type in each kitchen and boiler area within the building. These extinguishers shall be maintained in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.30-37. Fire drills.

There shall be a sufficient number of drills held every year to familiarize each resident with fire prevention and evacuation procedures, but not less than quarterly. New residents shall be oriented to evacuation procedures immediately.

23-28.30-38. Heating equipment.

- (a) Furnaces, boilers, and other fired units shall be vented to allow proper combustion and exhaust.
- (b) Chimneys, fireplaces, and venting systems shall be installed in accordance with N.F.P.A. 211, 1988 edition.
- (c) Furnaces, boilers, and other fired units shall be equipped with proper devices for automatic lighting, controls for fuel flow and temperature, and other proper safety devices.
- (d) Remote switch shall be installed.
- (e) Furnaces, boilers, and other fired units shall not be located within the occupied level.

23-28.30-39. Housekeeping.

All community residences II premises shall be kept clean and in a tidy condition and free from accumulation of combustible debris or other waste material.

23-28.30-40. Interior finish.

Interior finish of occupied spaces in community residences II facilities shall be Class A, B, or C as defined in § 23-28.1-5.

23-28.30-41. Use of windows.

Windows may not be used as a means of egress in any facility housing persons with physical disabilities.

23-28.30-42. Means of egress dimensions.

Means of egress in community residences II, housing persons with disabilities shall comply with the dimensions and components specified in The Americans with Disabilities Act Accessibility guidelines.

CHAPTER 28.31 HORSE STABLES

Part 1

New Construction Housing Sixteen (16) Or More Horses.

Section

- 23-28.31-1. New construction and additions.
- 23-28.31-2. Posting no smoking signs.
- 23-28.31-3. Fire extinguishers.
- 23-28.31-4. Fire watch.
- 23-28.31-5. Fire lanes.
- 23-28.31-6. Electrical wiring.

Part 2

Existing Construction Housing Sixteen (16) Or More Horses.

Section

- 23-28.31-7. Construction.
- 23-28.31-8. Posting no smoking signs.
- 23-28.31-9. Fire extinguishers.
- 23-28.31-10. Fire watch.
- 23-28.31-11. Fire lanes.
- 23-28.31-12. Electrical wiring.

PART 1

NEW CONSTRUCTION HOUSING SIXTEEN (16) OR MORE HORSES

23-28.31-1. New construction and additions.

- (a) Every horse stable constructed after June 4, 1976, and every addition made after June 4, 1976, to an existing horse stable and one built after June 4, 1976, converted as a horse stable shall be of noncombustible construction throughout. Smoke barriers shall be installed separating every sixteen (16) stalls.
- (b) Each subdivided section shall be provided with adequate roof vents.
- (c) Living accommodations shall be separate from the immediate area of the stables.
- (d) Heat producing devices such as submersible water heaters, hot plates, etc. shall be prohibited in stables.
- (e) A fire alarm system as prescribed in § 23-28.25-4(b) shall be installed in every horse stable with sixteen (16) or more stalls.
- (f) Horse stables of fewer than sixteen (16) stalls are exempt from the requirements of this section.

23-28.31-2. Posting no smoking signs.

'NO SMOKING' signs shall be posted prohibiting smoking within stalls, shed rows, and general stable area.

23-28.31-3. Fire extinguishers.

All stables shall be provided with portable fire extinguishers in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.31-4. Fire watch.

A fire watch shall be maintained on a twenty-four (24) hour basis when the stable area is occupied.

23-28.31-5. Fire lanes.

Adequate fire lanes shall be provided around each stable and are to be kept passable at all times.

23-28.31-6. Electrical wiring.

All electrical wiring shall be in accordance with the N.F.P.A. Standard 70, 1990 edition.

PART 2**EXISTING CONSTRUCTION HOUSING SIXTEEN (16) OR MORE HORSES****23-28.31-7. Construction.**

- (a) Existing combustible structures shall be protected by a complete system of automatic sprinklers, or early warning device (U.L.) approved, except combustible structures segregated by fire walls consisting of not more than sixteen (16) stalls.
- (b) Each subdivided section shall be provided with adequate roof vents.
- (c) Living accommodations shall be separate from the stables.
- (d) Heat producing devices such as submersible water heaters, hot plates, etc. shall be prohibited in stables.

23-28.31-8. Posting no smoking signs.

'NO SMOKING' signs shall be posted prohibiting smoking within stalls, shed rows, and general stable area.

23-28.31-9. Fire extinguishers.

All stables shall be provided with portable fire extinguishers in accordance with N.F.P.A. Standard 10, 1988 edition.

23-28.31-10. Fire watch.

A fire watch shall be maintained on a twenty-four (24) hour basis when stable area is occupied.

23-28.31-11. Fire lanes.

Twenty foot (20') fire lanes shall be provided around each stable and are to be kept passable at all times.

23-28.31-12. Electrical wiring.

All electrical wiring shall be in accordance with the N.F.P.A. Standard 70, 1990 edition.

CHAPTER 28.32

SALES OR LEASING AND SERVICING OF PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS

Section.

23-28.32-1. Purpose.

23-28.32-2. Exceptions.

23-28.32-3. Administration.

23-28.32-4. Definitions.

23-28.32-5. Registration and licensing of persons servicing portable fire extinguishers and/or installing or servicing fixed fire extinguishing systems.

23-28.32-6. Selling or leasing of portable fire extinguishers and/or fixed fire extinguishing systems.

23-28.32-7. Prohibition against servicing portable fire extinguishers and fixed fire extinguishing systems by unlicensed personnel.

23-28.32-8. Application and hearings on licenses, permits, and certificates.

23-28.32-9. Penalties.

23-28.32-10. Power and duties of the state fire marshal.

23-28.32-11. Practice without a certificate of registration, license, apprentice permit, or hydrostatic testing certificate - Sale or service in violation of this chapter.

23-28.32-1. Purpose.

The purpose of this chapter is to regulate the sale or leasing and servicing of portable fire extinguishers, and fixed fire extinguishing systems in the interest of safeguarding lives and property.

23-28.32-2. Exceptions.

The activity of filling or charging a portable fire extinguisher prior to its initial sale by its manufacturer shall not be subject to this chapter. In addition, the licensing and registration provisions of this chapter shall not apply to any firm which services only its own portable fire extinguishers for its own use by maintaining its own fire extinguisher servicing facilities adequate for the purpose and utilizing its own personnel specially trained for such servicing. The provisions of this chapter do not apply to the installation and/or servicing of water sprinkler systems installed in compliance with the national fire protection association standards for the installation of sprinkler systems.

23-28.32-3. Administration.

The administration of this chapter is vested in the state fire marshal who shall have the power to issue the proper rules and regulations to administer this chapter.

23-28.32-4. Definitions.

(a) 'Apprentice' means a specific individual to whom a permit has been issued by the state fire marshal to perform various acts of service while under the direct supervision of a person holding a valid license to perform the acts.

- (b) 'Certificate of registration' means a written document issued by the state fire marshal authorizing a person, firm, or corporation to engage in the business of installing, servicing, charging, and repairing fixed fire extinguisher systems and/or portable fire extinguishers.
- (c) 'Certified firm' means any individual, person, partnership, corporation, or association holding a current certificate of registration issued by the state fire marshal.
- (d) 'Department of transportation (D.O.T.) cylinder' means all cylinders manufactured and tested in compliance with specifications of the United States department of transportation.
- (e) 'Engineered systems' are those requiring individual calculation and design to determine the flow rates, nozzle pressures, quantities of extinguishing agents, and the number and types of nozzles and their placement in a specific system.
- (f) 'Firm' means any person, partnership, corporation, or association.
- (g) 'Fixed fire extinguisher system' means a system that contains within it chemicals, dry powder, fluid, or gases for extinguishing fires.
- (h) 'Hydrostatic testing' means pressure testing by approved hydrostatic methods.
- (i) 'Leased' for the purpose of this chapter, means a leased fire extinguisher shall be treated the same as an extinguisher which has been sold.
- (j) 'License' means a written document issued by the state fire marshal to any person for the purpose of granting permission to the person to perform any act or acts for which authorization is required.
- (k) 'Licensee' means a specific individual to whom a license has been issued by the state fire marshal.
- (l) 'Portable fire extinguishers' means a device that contains within it, chemicals, fluids, or gases for extinguishing fires, the means for application of its contents to that purpose, and is capable of being readily moved from place to place.
- (m) 'Pre-engineered fixed system' are those having predetermined flow rates, nozzle pressure, and quantities of extinguishing agents. These systems have the specific pipe size, maximum and minimum pipe lengths, number of fittings, and number and type of nozzles, prescribed by a nationally recognized testing laboratory. The hazards protected by these systems are specifically limited as to type and size by a nationally recognized testing laboratory based upon actual fire tests.
- (n) 'Recognized testing laboratory' means a nationally recognized testing or any other testing agency recognized by the state fire marshal.
- (o) 'Repair' means any work performed to a fixed fire extinguisher system and not defined as charging, recharging, or hydrostatic testing.
- (p) 'Service and servicing' means servicing portable fire extinguishers or fixed fire extinguishing systems by charging, filling, maintaining, recharging, refilling, repairing, testing, and tagging.
- (q) 'Test' means to subject any fixed fire extinguisher system to any procedure necessary to insure its proper operation or installation, and for its approval by the authority having jurisdiction.

23-28.32-5. Registration and licensing of persons servicing portable fire extinguishers and/or installing or servicing fixed fire extinguishing systems.

- (a) Each firm engaged in the business of servicing portable fire extinguishers and/or installing or servicing fixed fire extinguishing systems shall be required to have a certificate of registration issued by the state fire marshal.

- (b) Each employee, other than an apprentice, of a firm engaged in the business of servicing portable fire extinguishers, and installing or servicing fixed fire extinguishing systems, shall be required to have a license issued by the state fire marshal.
- (c) Each person servicing portable fire extinguishers or fixed fire extinguishing systems as an apprentice shall be required to have an apprentice permit issued by the state fire marshal.
- (d) Each firm performing hydrostatic testing of fire extinguishers manufactured in accordance with the specifications of the United States department of transportation (formerly the interstate commerce commission) shall do so in accordance with the procedures specified by that department for compressed gas cylinders, and shall be required to have a hydrostatic testing certificate authorizing the testing issued by the state fire marshal. Persons qualified to do this work shall be given the authority to do so on their licenses.

23-28.32-6. Selling or leasing of portable fire extinguishers and/or fixed fire extinguishing systems.

No portable fire extinguisher or fixed fire extinguishing system shall be sold or leased in the state unless it is approved, labeled, or listed by a testing laboratory which is approved by the state fire marshal as qualified to test portable fire extinguishers and fixed fire extinguishing systems.

23-28.32-7. Prohibition against servicing portable fire extinguishers and fixed fire extinguishing systems by unlicensed personnel.

- (a) Except as provided in § 23-28.32-2, only the holder of a current and valid license, or of an apprentice permit issued under this chapter, may service portable fire extinguishers, and/or fixed fire extinguishing systems.
- (b) A person who has been issued a license under this chapter to service portable fire extinguishers, and/or fixed fire extinguishing systems must be an employee, agent, or servant of a firm that holds a certificate of registration, or the licensee himself or herself must hold a certificate of registration issued under this chapter.

23-28.32-8. Application and hearings on licenses, permits, and certificates.

- (a) Applications for licenses, permits, and certificates under this chapter shall be made pursuant to regulations adopted by the state fire marshal as those regulations may from time to time be amended by him or her.
- (b) The state fire marshal shall have the authority to conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of licenses, apprentice permits, hydrostatic testing certificates, certificates of registration, or approval of testing laboratories issued under this chapter or application therefore, and to suspend, revoke, refuse to renew, or refuse to issue the licenses, permits, or certificates.

23-28.32-9. Penalties.

Those persons found to be in violation of this chapter shall be subject to the penalties as defined in § 23-28.32-11.

23-28.32-10. Power and duties of the state fire marshal.

- (a) The state fire marshal shall exercise the following functions, powers and duties:
 - (1) To formulate and administer such rules and regulations as he or she may determine necessary for the protection and preservation of life and property in controlling:

- (i) The registration of firms engaging in the business of servicing portable fire extinguishers and/or fixed fire extinguishing systems.
- (ii) The registration of firms engaging in the business of hydrostatic testing United States department of transportation specification gas cylinders used for portable fire extinguisher and/or fixed fire extinguishing systems.
- (iii) The examination of persons applying for a license to service portable fire extinguishers and/or fixed fire extinguishing systems.
- (iv) The licensing of persons to service portable fire extinguishers and/or installing and servicing fixed fire extinguishing systems.
- (v) The requirements for servicing of portable fire extinguishers and fixed fire extinguishing systems.
- (2) To evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of servicing portable fire extinguishers and/or installing and servicing of fixed fire extinguishing systems.
- (3) To conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers and/or install and service fixed fire extinguishing systems.
- (4) To issue certificates of registration for those firms that qualify under these regulations to engage in the business of servicing portable fire extinguishers and/or installing and servicing fixed fire extinguishing systems and issue licenses, apprentice permits, and authority to perform hydrostatic testing to the qualified persons.
- (5) To evaluate the qualifications of firms seeking approval as testing laboratories for portable fire extinguishers and/or fixed fire extinguishing systems.
- (b) The state fire marshal may delegate the exercise of part or all of his or her functions, powers, and duties under this chapter, except for the issuance of licenses, certificates, and permits, and the formulation of rules and regulations, to a fire extinguishers advisory council whose members shall be appointed by the state fire marshal. The members shall be experienced and knowledgeable in one or more of the following areas: fire services, fire extinguisher manufacturing, fire insurance inspection of underwriting, or fire extinguishers servicing; or are members of a fire protection association or an industrial safety association.

23-28.32-11. Practice without a certificate of registration, license, apprentice permit, or hydrostatic testing certificate - Sale or service in violation of this chapter.

Whoever shall intentionally do any of the following shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500) or shall be imprisoned for not exceeding six (6) months, or both so fined and imprisoned for each such offense:

- (1) Engage in the business of servicing portable fire extinguishers and/or fixed fire extinguishing systems without a current certificate of registration.
- (2) Service portable fire extinguishers and/or fixed fire extinguishing systems without a current license.
- (3) Service portable fire extinguishers and/or fixed fire extinguishing systems, as an apprentice without a current apprentice permit.
- (4) Perform hydrostatic testing of the United States department of transportation (formerly the interstate commerce commission) specification compressed gas cylinders used for or with fire extinguishers without a current hydrostatic testing certificate.

(5) Obtain or attempt to obtain a certificate of registration or a license by fraudulent misrepresentation.

(6) Service or sell portable fire extinguishers and/or fixed fire extinguishing systems contrary to the provisions of this chapter or the rules and regulations formulated and administered under the authority of this chapter.

CHAPTER 28.33 STORAGE AND HANDLING OF LIQUEFIED NATURAL GAS

Section.

- 23-28.33-1. Applicability.
- 23-28.33-2. Definitions.
- 23-28.33-3. Applicability to liquefied natural gas systems.
- 23-28.33-4. References to standards advisory.
- 23-28.33-5. Enforcement.
- 23-28.33-6. Severability.

23-28.33-1. Applicability.

These chapter provisions shall apply to all persons, firms, corporations, partnerships, voluntary associations, and government agencies, except federal, storing or handling liquefied natural gas, and to the owner or lessee of any building, or equipment in or on which liquefied natural gas is stored or handled, and shall apply to motor vehicles that are used for the transportation of liquefied natural gas. These chapter provisions are also intended to provide the requirements for the design, construction, and operation of tank motor vehicles and certain features of tank motor vehicle chassis for the transportation of liquefied natural gas.

23-28.33-2. Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively assigned to them:

- (1) 'Approved' or 'approved by authority having jurisdiction' means approved by the marshal.
- (2) 'Container' means all vessels such as tanks, cylinders, or drums used for transportation or storing liquefied natural gas.
- (3) 'Equipment' refers essentially to the container or containers, major devices such as vaporizers, carburetors, safety relief valves, excess flow valves, regulators, etc., and interconnecting piping.
- (4) 'Marshal' means the state fire marshal or his or her authorized representative.
- (5) 'The enforcing officer' means the chief of the fire department of the several cities, towns, and fire districts wherein any violations of the provisions of this chapter may take place.
- (6) Where the circumstances or conditions of any particular case falling within the scope of this chapter are unusual and such as to render the strict compliance with these provisions impracticable, the enforcing officer having jurisdiction may permit such modification as will provide a substantially equivalent degree of safety; provided, however, that should the enforcing officer refuse to grant such modification as may be requested, then and in that event an application may be submitted to the state fire marshal in accordance with the form hereinafter specified 'application for modification'; and modification granted by the state fire marshal shall be accompanied by a written report setting forth the manner in which the modification will provide a substantially equivalent degree of safety as would have been provided by a strict compliance with these regulations. A copy of the report shall be filed in the office of the state fire marshal.
- (7) The approval of any equipment, container, or appliance will be based on its compliance with the accepted principles of recognized engineering practice, and the marshal may consider for approval any equipment, container, or appliance which meets the standards set up by any of the following organizations:

Underwriters' laboratories, inc. (U.L.)
National fire protection association (N.F.P.A.)
National board of fire underwriters (N.B.F.U.)
Interstate commerce commission (I.C.C.)
American society of mechanical engineers (A.S.M.E.)
American petroleum institute (A.P.I.)
American gas association (A.G.A.)
American standards association (A.S.A.)

23-28.33-3. Applicability to liquefied natural gas systems.

The provisions of this chapter are intended to apply to the design, construction, location, and operation of liquefied natural gas systems.

23-28.33-4. References to standards advisory.

References to other standards in these provisions shall be considered as advisory and not mandatory.

23-28.33-5. Enforcement.

The state fire marshal or his or her deputy shall cooperate in the enforcement of these provisions with full power and authority to investigate any violations and submit reports of the findings to either the enforcing officer, the town councils of the several towns, the city councils of the several cities, the representative council of the city of Newport, or the attorney general of the state.

23-28.33-6. Severability.

If any part of this chapter shall be declared unconstitutional or invalid, the unconstitutionality or invalidity shall in no way affect the constitutionality or validity of any other portion thereof which can be given reasonable effect without the part so declared unconstitutional or invalid.

CHAPTER 28.34 FIRE AND CARBON MONOXIDE DETECTION SYSTEMS

Section.

- 23-28.34-1. Fire and carbon monoxide detection systems required.
- 23-28.34-2. Minimum number of detectors.
- 23-28.34-3. Location of detectors.
- 23-28.34-4. Power supply and wiring methods.
- 23-28.34-5. Enforcement.
- 23-28.34-6. Homeowners responsible.
- 23-28.34-7. Penalty.

23-28.34-1. Fire and carbon monoxide detection systems required.

- (a) All buildings hereinafter constructed or converted for residential occupancy shall be equipped with a smoke detection system listed and/or approved by the Underwriters Laboratories, Inc., or Factory Mutual, installed according to standards set forth below, except that the systems shall not be required in buildings or structures subject to the provisions of the general laws relative to the installation of automatic fire warning systems connected thereto.
- (b) Provided further that all buildings hereinafter constructed or converted for residential occupancy, those premises being equipped with gas utilities, shall also be equipped with a carbon monoxide detector system listed and/or approved by Underwriters Laboratories, Inc., Factory Mutual or some nationally recognized testing laboratory approved by the state fire marshal and installed according to the standards set forth below.

23-28.34-2. Minimum number of detectors.

- (a) A minimum of one approved smoke detector shall be located in the highest habitable level and on each floor, level, or story.
- (b) For any floor, level, or story exceeding twelve hundred square feet (1200 sq. ft.) in area, one approved smoke detector shall be provided for each twelve hundred square feet (1200 sq. ft.) or portion thereof or as specified by the manufacturer for the particular device.
- (c) A minimum of one approved carbon monoxide detector shall be installed in each dwelling.

23-28.34-3. Location of detectors.

- (a) Approved smoke detectors shall be located outside each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the living unit including basements and cellars and excluding crawl spaces and uninhabitable attics. Bedrooms, or sleeping rooms, separated by other use areas, such as kitchens or living rooms, but not bathrooms, shall require a separate smoke detector. A carbon monoxide detector shall be located outside each separate sleeping area in the immediate vicinity of the bedrooms. Bedrooms, or sleeping rooms, separated by other use areas, such as kitchens or living rooms, but not bathrooms, shall require a separate carbon monoxide detector.
- (b) In basements or cellars, smoke detectors shall be located within twenty-four inches (24") of the base of stairways with solid risers and treads and side enclosed from the top of the stairway to the basement floor in addition to any other detector requirements for that level.
- (c) In basements or cellars with an open stairway, smoke detectors shall be located at the top of the stairway in addition to any other detector requirements for that level.

- (d) All smoke detectors shall be mounted on the ceiling.
- (e) All carbon monoxide detectors shall be mounted in accordance with manufacturer's specifications.

23-28.34-4. Power supply and wiring methods.

- (a) For all detection systems, a one-hundred and twenty (120) AC primary source of electric power with battery back-up shall be taken from a dependable light and power supply source. The wiring to each detector shall be taken from a branch lighting circuit serving a habitable area. The power source for the detectors shall be on the supply side ahead of any switches and not on circuits protected by a ground fault circuit interrupter.
- (b) All required smoke detectors shall be provided with a visible intermittent or steady 'power on' indicator and shall be inter-connected so that when one detector is actuated all detectors will sound and emit an audible signal having a minimum rating of eighty-five (85) dBA at ten (10) ft.
- (c) All smoke detector systems shall be tested in accordance with the manufacturer's recommendation.
- (d) Combination smoke/heat or fire/burglar systems meeting the requirements of § 23-28.34-3 and chapters 4 and 5 of N.F.P.A. standard 74, 1989 edition may be used.
- (e) The appendices of N.F.P.A. 74, 1989 edition may be used for informational purposes only.
- (f) All required carbon monoxide detectors shall be provided with a visible intermittent or steady 'power on' indicator and will sound and emit an audible signal having a minimum rating of eighty-five (85) dBA at ten (10) feet.

23-28.34-5. Enforcement.

The local fire authorities certified by the state fire marshal as prescribed by § 23-28.2-6 in cooperation with the building code officials shall enforce the provisions of this chapter.

23-28.34-6. Homeowners responsible.

It shall be the responsibility of the homeowner to maintain in operable condition smoke and carbon monoxide detection systems, installed as required pursuant to this chapter.

23-28.34-7. Penalty.

Any owner of a building or structure who fails to comply with the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500).

CHAPTER 28.35

FIRE DETECTORS AND CARBON MONOXIDE SYSTEMS IN EXISTING RESIDENTIAL OCCUPANCIES

Section.

- 23-28.35-1. Installation of smoke and carbon monoxide detectors required.
- 23-28.35-1.1. City and town authority to require smoke and carbon monoxide detectors.
- 23-28.35-1.2. Fees.
- 23-28.35-2. Location of detectors.
- 23-28.35-3. Power supply and wiring methods.
- 23-28.35-4. Inspection.
- 23-28.35-5. Maintenance responsibility.
- 23-28.35-6. Penalty.
- 23-28.35-7. Statewide jurisdiction.
- 23-28.35-8. Effect on title and liability.
- 23-28.35-9. Title.
- 23-28.35-10- 23-28.35-12. [Reserved.]
- 23-28.35-13. Affidavit of compliance.
- 23-28.35-14. Exempt transfers.
- 23-28.35-15. Contents of affidavit.

23-28.35-1. Installation of smoke and carbon monoxide detectors required.

All occupied residential properties, including mobile homes, and all existing rooming houses constructed before June, 1976, and occupied existing apartment dwellings not required to have a fire alarm system in accordance with chapter 28.25 of this title shall, at the responsibility of the seller before title to the property is transferred as a result of a sale, or at the responsibility of the owner as the result of an inspection required by law or ordinance, be equipped with a smoke and carbon monoxide detector system listed and/or approved by Underwriters Laboratories Inc., Factory Mutual, or some other nationally recognized testing laboratory approved by the state fire marshal and installed according to the standards set forth below.

23-28.35-1.1. City and town authority to require smoke and carbon monoxide detectors.

Any city or town may by ordinance require that any building or structure occupied in whole or in part for residential purposes in the cities or towns, and not otherwise covered by §§ 23-28.35-1 or 23-28.34-1, shall, within one year of acceptance, be equipped with smoke and carbon monoxide detectors listed and/or approved by Underwriters Laboratories, Inc., Factory Mutual or some other nationally recognized testing laboratory approved by the state fire marshal and installed according to the standards set forth in this chapter.

23-28.35-1.2. Fees.

The agency, bureau, department in any city, town, fire district, or other subdivision of municipal government that performs smoke and carbon monoxide detector inspections in all existing one, two (2), and three (3) family dwellings, and all existing apartment dwellings of less than eight (8) living units shall, at the time of inspection, be allowed to charge a thirty dollar (\$30.00) fee for the inspection on any one, two (2), and three (3) family dwellings and all existing apartments of less than eight (8) living units. The responsibility of this charged fee will be borne by the seller

on each occurrence before title to the property is transferred as a result of a sale. A thirty dollar (\$30.00) fee will be allowed for any subsequent re-inspection on the same one, two (2), and three (3) family dwellings, and all existing apartment units of less than eight (8) units, due to improper installation, wrong location, improper wiring method, or the seller's failure to maintain a mutually agreed upon appointment with the agency, bureau, or department that performs the inspection function. The fees collected by the agency, bureau, or department performing the inspections in any city, town, fire district, or other municipal subdivision shall be used for fire prevention purposes in that particular city, town, fire district, or other municipal subdivision.

23-28.35-2. Location of detectors.

(a) An approved smoke and approved carbon monoxide detector shall be located in the access space immediately adjacent to bedrooms or sleeping rooms. Bedrooms, or sleeping rooms, separated by other use areas, such as kitchens or living rooms, but not bathrooms, shall require a separate smoke and a separate carbon monoxide detector. In those occupancies where bedrooms open directly into the kitchen, the smoke detector shall be located in the bedroom(s), and one carbon monoxide detector in the kitchen, located in accordance with manufacturer's specifications in relation to fuel burning appliances.

(b) In basements or cellars, smoke detectors shall be located within twenty-four inches (24") of the base of stairways with solid risers and treads and side enclosed from the top of the stairway to the basement floor in addition to any other detector requirements for that level.

(c) In basements or cellars with an open stairway, smoke detectors shall be located at the top of the stairway in addition to any other detector requirements for that level.

(d) All smoke detectors shall be mounted on the ceiling at least twelve inches (12") from the wall or on the wall six inches (6") to twelve inches (12") from the ceiling. All carbon monoxide detectors shall be mounted in accordance with manufacturer's specifications.

23-28.35-3. Power supply and wiring methods.

(a) For all smoke and carbon monoxide detection systems, approved smoke and carbon monoxide detectors shall be smoke and carbon monoxide detectors which may be activated by a battery power source, or which may be activated by being permanently wired to a 120 volt AC source of alternating current electric power with each detector taken from a branch circuit serving a habitable area, with no more than two (2) required smoke and carbon monoxide detectors on the same branch circuit and the power source for the detectors shall be on the supply side ahead of any switches, or a system meeting the requirements of chapter 28.34 of this title.

(b) All required detectors other than battery operated shall be provided with a visible intermittent or steady 'power on' indicator; shall be interconnected so that when on, the detector is actuated, all detectors will sound and emit an audible signal with a minimum rating of eighty-five (85) dBA at ten feet (10'). In multiple units, with hard wire systems, all smoke detectors located in common areas will sound when any one detector is actuated. Apartment units shall have a single station smoke detector, unless more than one detector is required within that unit, and they shall be interconnected within that unit.

(c) All AC detectors shall not be installed on circuits protected by a ground fault circuit interrupter and shall be installed in a workmanlike manner and meeting the electrical requirements of the R.I. State Building Code, chapter 27.3 of this title.

(d) All detectors shall be tested in accordance with the manufacturer's recommendations.

(e) The seller shall obtain an electrical permit for the installation of a hard wire system, and shall supply to the buyer at the time of sale a copy of the approval inspection report.

(f) All carbon monoxide detectors shall be provided with a visible intermittent or steady 'power on' indicator and will sound and emit an audible signal having a minimum rating of 85 dBA at ten (10') feet.

23-28.35-4. Inspection.

At the time of the transfer of title, the seller must provide the purchaser with a certificate from the fire department for the community in which the dwelling is located stating that the smoke and carbon monoxide detector systems have been inspected within sixty (60) days prior to the date of sale and has been determined to be in good working order. The fire department for the community in which the dwelling is located must inspect the smoke and carbon monoxide detector systems of the dwelling within ten (10) days of a request from the owner. The inspection may be conducted by qualified personnel of the department or the state fire marshal's office. No fire department nor the fire marshal shall be liable for any damage caused by the subsequent malfunction of a smoke detection system or carbon monoxide detector system which it inspected.

23-28.35-5. Maintenance responsibility.

(a) Once the smoke and carbon monoxide detection systems are required within a dwelling pursuant to this chapter, it shall be the responsibility of the owner to maintain the smoke and carbon monoxide detection systems in an operable condition, and the owner shall make operable, within seven (7) days after being notified by certified mail by the occupant and/or enforcement official, any inoperable system.

(b) If the owner fails to make the system operable within the required seven (7) days, the tenant may cause the system to be made operable if the total reasonable cost of making the repairs does not exceed the sum of twenty dollars (\$20.00), and the tenant may deduct from his or her rent the actual reasonable cost of repairs not to exceed twenty dollars (\$20.00).

23-28.35-6. Penalty.

Any violation of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500).

23-28.35-7. Statewide jurisdiction.

The provisions of this chapter shall be uniform in all cities and towns without local amendments. The provisions of §§ 45-13-7 - 45-13-11 shall not apply to any costs incurred by the cities and towns as a result of the implementation of this chapter.

23-28.35-8. Effect on title and liability.

The recording clerk of any city or town may refuse to accept for recording instruments of transfer which do not comply with this chapter, but the failure of any recorded instrument to comply with this chapter shall not affect the validity of said transfer or impose any liability upon the city or town in which said instrument is recorded.

23-28.35-9. Title.

This chapter shall be known as the smoke and carbon monoxide detector law.

23-28.35-10 - 23-28.35-12. [Reserved.]

23-28.35-13. Affidavit of compliance.

The grantor in any instrument being recorded to transfer title to any real property located within the state of Rhode Island, shall:

- (1) Contemporaneously with the recording of the instrument, record a copy of a smoke and carbon monoxide detector certificate dated not more than sixty (60) days prior to the date of the instrument (§ 23-28.35-4); or
- (2) Certify, in the instrument being recorded, or in a certificate to be recorded contemporaneously with the instrument, that either § 23-28.35-1 has been complied with, or that compliance with that section is not required because the transfer is exempted in § 23-28.35-14.

23-28.35-14. Exempt transfers.

Transfers of real property are exempt from compliance with § 23-28.35-1 if:

- (1) The property being transferred does not contain residential dwellings;
- (2) A certificate of use and occupancy (§ 23-27.3-120) has been issued for the property being transferred within six (6) months of the date of this instrument;
- (3) The property being transferred is required to have a fire alarm system in accordance with this chapter;
- (4) The property being transferred is uninhabitable without the issuance of a certificate of use and occupancy (§ 23-28.3-120);
- (5) The property is being transferred pursuant to a foreclosure sale, a tax sale, as a redemption of a tax sale, or in lieu of foreclosure;
- (6) The property is being transferred by operation of law, or pursuant to an order of any United States court, or any superior or family court of the state of Rhode Island; or
- (7) The property is being acquired by the state for demolition and will not be sold or used by the state for residential purposes.

23-28.35-15. Contents of affidavit.

An affidavit of all individuals signing instruments to transfer real property satisfies this chapter if it contains the following representations:

- (1) The undersigned hereby certify that grantor has complied with the requirements of the smoke and carbon monoxide detector law, as evidenced by the copy of the smoke and carbon monoxide detector certificate attached to the affidavit; or
- (2) The undersigned hereby certify that the real property being conveyed by this instrument had working smoke and carbon monoxide detectors, as required by the smoke and carbon monoxide detector law, within fourteen (14) days of the date of this instrument, and an inspection pursuant to § 23-28.35-4 has been requested; or
- (3) The undersigned hereby certify that this transfer is exempt from the smoke and carbon monoxide detector law as provided in § 23-28.35-14.

CHAPTER 28.36

NOTIFICATION OF FIRE FIGHTERS, POLICE OFFICERS AND EMERGENCY MEDICAL TECHNICIANS AFTER EXPOSURE TO INFECTIOUS DISEASES

Section.

23-28.36-1. Legislative findings.

23-28.36-2. Definitions.

23-28.36-3. Notification of infectious diseases.

23-28.36-4. Occupational disability for fire fighters.

23-28.36-1. Legislative findings.

The general assembly finds and declares that by reason of their employment, fire fighters, police officers, and emergency medical technicians are required to work in the midst of, and are subject to, exposure to infectious diseases, including, but not limited to, human immunodeficiency virus (HIV), hepatitis B virus (HBV), and hepatitis C virus (HCV); that after exposure, fire fighters, police officers, and emergency medical technicians are not informed of the exposures; that fire fighters, police officers, and emergency medical technicians so exposed can potentially and unwittingly expose coworkers, families, and members of the public to infectious diseases. The general assembly further finds and declares that all the aforementioned conditions exist and arise out of or in the course of employment.

23-28.36-2. Definitions.

The following terms when used in this chapter shall have the following meanings herein ascribed:

- (1) 'Contagious disease' means an infectious disease.
- (2) 'Disability' means a condition of physical incapacity to perform any assigned duty or duties in the fire department or emergency medical service.
- (3) 'Emergency medical technician' means a person licensed pursuant to chapter 4.1 of this title to provide emergency medical services.
- (4) 'Fire department' means service groups (paid or volunteer) that are organized and trained for the prevention and control of loss of life and property from fire or other emergency.
- (5) 'Fire fighter' means an individual who is assigned to fire fighting activity and is required to respond to alarms and perform emergency action at the location of a fire, hazardous materials, or other emergency incident.
- (6) 'Infectious disease' means interruption, cessation, or disorder of body functions, systems, or organs transmissible by association with the sick or their secretions or excretions, excluding the common cold. Infectious disease includes, but is not limited to, human immunodeficiency virus (HIV), hepatitis B virus (HBV), and hepatitis C virus (HCV).
- (7) 'Licensed facility' means a hospital, nursing home, medical clinic, dialysis center, physician's office, or the like, as licensed by the province to provide medical care.
- (8) 'Police officer' means any permanently employed city or town police officer, state police officer, committing squad member, or other permanent law enforcement officer as defined in § 12-7-21; provided, however, this shall not include the highest ranking officer of any of the departments.
- (9) 'Strike force member' means any member of the statewide strike force of the department of attorney general.

23-28.36-3. Notification of infectious diseases.

(a) Notwithstanding the provisions of §§ 40.1-5-26 and 5-37.3-4, if, while treating, investigating, or transporting an ill or injured person to a licensed facility, a fire fighter, police officer, strike force member or emergency medical technician comes into contact with a person who is subsequently diagnosed as having an infectious disease, the licensed facility receiving that person shall notify the highest ranking officer of the treating, investigating, or transporting individual's department of health of the exposure to that person which officer shall then notify the exposed individual. Further, any city or town police department notified of infectious diseases pursuant to the provisions of this section shall, within forty-eight (48) hours, notify any strike force member who was exposed to the infected person.

(b) The notification shall be made within forty-eight (48) hours, or sooner, of confirmation of the patient's diagnosis.

(c) The notified employee shall contact the licensed health care facility to determine the infectious disease to which he or she has been exposed, and to receive the appropriate medical direction for dealing with the infectious disease.

(d) Notification made pursuant to this section shall be conducted in a manner which will protect the confidentiality of the patient, fire fighter, police officer, or emergency technician.

23-28.36-4. Occupational disability for fire fighters.

Any active fire fighter or police officer who is unable to perform his or her duties in his or her department by reason of exposure to infectious disease as defined in § 23-28.36-2, which infectious disease develops or manifests itself as a result of the exposure during a period while the fire fighter or police officer is in the service of the department, shall be entitled to receive an occupational disability, and he or she shall be entitled to all of the benefits provided for in chapter 19 of title 45, as applicable.

CHAPTER 28.37

VACCINATION OF FIREFIGHTERS TO PREVENT HEPATITIS B

Section.

23-28.37-1. Findings.

23-28.37-2. Definitions.

23-28.37-3. Vaccination.

23-28.37-4. Administration of program.

23-28.37-1. Findings.

The general assembly finds and declares that, by reason of their employment, firefighters and emergency medical technicians are required to work in the midst of and are subject to exposure to infectious diseases, especially hepatitis B; that the U.S. center for disease control has estimated that two hundred thousand (200,000) persons in the U.S. are infected each year with hepatitis B, and of that number twenty-five percent (25%) become ill, ten thousand (10,000) require hospitalization, and five thousand (5,000) die; that it is estimated that there are from five hundred thousand (500,000) to one million (1,000,000) infectious hepatitis B carriers in the U.S. of which up to eighty percent (80%) of chronic carriers are unaware that they have hepatitis B and are capable of spreading it; that there is no known cure for hepatitis B, and for firefighters, there is no way of knowing who among those being helped at an accident or a fire is a hepatitis B carrier. The general assembly further finds and declares that all the aforementioned conditions exist and arise out of or in the course of employment.

23-28.37-2. Definitions.

The following terms, when used in this chapter, shall have the meanings herein described:

- (1) 'Emergency medical technician' means a person licensed pursuant to chapter 4.1 of this title to provide emergency medical services.
- (2) 'Fire department' means service groups (paid or volunteer) that are organized and trained for the prevention and control of loss of life and property from fire or other emergency.
- (3) 'Firefighter' means an individual who is assigned to firefighting activity and is required to respond to alarms and perform emergency action at the location of a fire, hazardous materials, or other emergency incident.

23-28.37-3. Vaccination.

Any active firefighter or emergency medical technician, who may be exposed to hepatitis B during a period while the firefighter or emergency medical technician is in the service of the fire department, shall be vaccinated at the request of the firefighter or emergency medical technician for protection against hepatitis B.

23-28.37-4. Administration of program.

The department of health shall conduct a series of clinics in the various geographic areas of the state for the purpose of administering the vaccination against hepatitis B. The department of health shall coordinate the scheduling and location of the vaccination clinics with the fire departments within the geographic areas.

CHAPTER 28.38
DETENTION AND CORRECTIONAL OCCUPANCIES

Section.

23-28.38-1. Definitions - Standards applicable.

23-28.38-2. Fire alarm system.

23-28.38-1. Definitions - Standards applicable.

(a) (1) Detention and correctional occupancies are those used for the purposes such as jails, detention centers, correctional institutions, reformatories, houses of correction, pre-release centers and other residential-restrained care facilities where occupants are confined or housed under some degree of restraint or security.

(2) Detention and correctional occupancies provide sleeping facilities for four (4) or more residents and are occupied by persons who are generally prevented from taking self-preservation action because of security measures not under the occupants' control.

(b) Fire and life safety requirements for all detention and correctional occupancies shall be in accordance with N.F.P.A. Standard 101, 1988 edition, Chapters 14 and 15 and their related chapters and standards.

23-28.38-2. Fire alarm system.

A fire system as described in § 23-28.25-4(b) shall be installed in all detention and correctional centers.

CHAPTER 28.39

HOUSING FOR THE ELDERLY - EMERGENCY GENERATORS REQUIRED

23-28.39-1. [Repealed.]

CHAPTER 29

FIRE REGULATIONS IN PLACES OF PUBLIC ASSEMBLY

23-29-1 - 23-29-30. [Repealed.]

CHAPTER 29.1

REHABILITATION BUILDING AND FIRE CODE FOR EXISTING BUILDINGS AND STRUCTURES

Section.

23-29.1-1. Legislative findings and purpose.

23-29.1-2. Joint Committee on the rehabilitation building code for existing buildings and structures.

23-29.1-3. Content, adoption, and administration of the rehabilitation building code for existing buildings and structures.

23-29.1-4. Variances and appeals.

23-29.1-5. Technical and staff support.

23-29.1-6. Relief from liability.

23-29.1-7. Severability.

23-29.1-1. Legislative findings and purpose.

The general assembly finds and declares:

(1) That there are throughout Rhode Island existing buildings and structures that are vacant or partially vacant and/or underutilized because rehabilitation of such buildings and structures to conform to the requirements for new structures under building and fire safety codes, is prohibitively expensive or impractical;

(2) That buildings and structures that are vacant or partially vacant constitute a public safety threat because of a lack of occupancy and a lack of investment in modernization and maintenance;

(3) That the presence of vacant and or partially vacant buildings and structures contributes to blight and or to the loss of economic viability of traditional city, town or village centers;

(4) That reinvestment in existing buildings and structures will strengthen local tax bases and provide employment opportunities in construction and building trades;

(5) That it is the purpose of this chapter to provide a code and regulations for repairing, rehabilitating, altering, improving, adding to and changing the use of existing buildings and structures in a manner that assures the health, welfare and safety of occupants and that facilitates designing improvements to existing buildings and structures to the code in an optimum manner with a minimum need to for variances; and

(6) That it is further the purpose of this chapter to provide a single uniform, statewide, harmonious rehabilitation building code with building code and fire safety code elements applicable to existing buildings and structures.

23-29.1-2. Joint Committee on the rehabilitation building code for existing buildings and structures.

(a) Creation and membership. There is created a joint committee on the rehabilitation building and fire code for existing buildings and structures consisting of eleven (11) members: five (5) of whom shall be the chairperson of the building code standards committee established by § 23-27.3-100.1.3 and four (4) members of the building code standards committee appointed by the building code standards committee; five (5) of whom shall be the chairpersons of the fire safety code board of appeal and review, established by § 23-28.3-2, and four (4) members of the fire safety code board of appeal and review appointed by the fire safety code board of appeal and

review, and one of whom shall be the executive director of the fire safety code board of appeal and review, who shall be an ex-officio, nonvoting member of the joint committee, and shall act as the executive secretary of the joint committee. From the voting members of the joint committee, the governor shall appoint one member to serve as chairperson and one member to serve as vice-chairperson. The terms of chairperson and vice-chairperson shall be for three (3) years, or until their successors are appointed.

(b) Powers and duties. The joint committee has the power and duty to:

- (1) Approve, with any revisions it may deem necessary, the rehabilitation building code for existing buildings and structures following an affirmative vote by the committee on drafting and to recommend building code element of the rehabilitation building code for adoption by the building code standards committee and to recommend the fire safety code element of the rehabilitation building code for adoption by the fire safety code board of appeal and review;
- (2) Draft and develop such amendments and revisions to the building code element and to the fire safety code element of the rehabilitation building code for existing buildings and structures as may be necessary or desirable to recommend of those amendments and revisions to the building code standards committee and the fire safety code board of appeal and review, as appropriate; and
- (3) Serve as the appeal board to hear and decide requests for variances from the rehabilitation building and fire code for existing buildings and structures.

23-29.1-3. Content, adoption, and administration of the rehabilitation building code for existing buildings and structures.

(a) Content. The rehabilitation building and fire code for existing buildings and structures shall have a building code element and a fire safety code element and shall make provisions for the repair, renovation, alteration, reconstruction, and change of use of and additions to existing buildings and structures. The code shall set forth standards for different types of uses; and for mixed-use buildings and structures, each portion of the building or structure shall be separately classified as to use. The standards shall include, but not be limited to, standards for building; for load bearing and structural elements; for plumbing, electrical, and mechanical systems; for fire resistant walls and for fire suppression, fire alarm, and fire detection systems; for accessibility, including accessibility for persons with disabilities, means of egress, elevators, escalators, stairways, doors, ramps, fire alarms, floor surfaces, restrooms and corridors; for vents and ventilation systems; and for historic buildings; provided however that such standards shall not affect minimum standards for habitancy.

(b) Committee on drafting. There shall be a sixteen (16) member committee on drafting the rehabilitation building and fire code for existing buildings and structures which shall have as its members the ten (10) voting members of the joint committee, the state fire marshal, the state building code commissioner, a representative of grow smart RI appointed by the chairperson of grow smart RI, a representative of the Rhode Island builders association appointed by the president of the Rhode Island builders association, a representative of the governor's commission on disabilities, appointed by the chairperson of the governor's commission on disabilities, and an historical preservation architect appointed by the executive director of the Rhode Island historical preservation and heritage commission. The executive secretary of the joint committee shall serve as secretary of the committee on drafting and be a nonvoting member of the committee. It shall be the duty of the joint committee to develop a rehabilitation building and fire code for existing buildings and structures, which shall have an element pertaining to fire

safety and an element pertaining to building standards, and to recommend said rehabilitation building and fire code for consideration by the joint committee. The committee on drafting shall terminate upon an affirmative vote of the joint committee to recommend the rehabilitation building and fire code for existing buildings and structures for adoption by the building code standards committee and the fire safety code board of appeal and review.

(c) Adoption. The building code element shall be effective upon adoption by the building code standards committee pursuant to § 23-27.3-100.1.3 and the fire safety code element shall be effective upon adoption by the fire safety code board of appeal and review pursuant to § 23-28.3-3. Public hearings required by chapter 35 of title 42 for the adoption, amendment, or revision of the rehabilitation building and fire code for existing buildings and structures and each of the elements thereof shall be conducted by the joint committee.

(d) Administration. Except as set forth in this chapter, the building code element shall be administered as a building code in accordance with the provisions of chapter 27.3 of this title, the fire safety code element shall be administered as a fire safety code by the division of fire safety in accordance with the provisions of chapter 28.2 of this title.

23-29.1-4. Variances and appeals.

(a) Variances. (1) The joint committee on the rehabilitation building and fire code for existing buildings and structures shall serve as the board of standards and variances for the rehabilitation building and fire code. Any building owner may consult the authority having jurisdiction for advice and assistance in complying with the provisions of the rehabilitation building and fire code. In case of practical difficulties, the authority having jurisdiction shall refer any request for variance to the joint committee. The petitioner for the variance shall set forth to the joint committee in the petition the grounds or reasons for requesting the variance.

(2) The joint committee shall fix a day for hearing on the petition and shall give reasonable notice of the day to the petitioner and the property owners within two hundred (200) feet of the petitioner's building or structure when, in the board's discretion, it may have an adverse effect on neighboring properties. A properly indexed record of all variations made shall be kept in the office of the joint committee and shall be open to public inspection. Any building owner may file a petition for a variance to the board by registered mail, and a hearing date shall be set by the joint committee within thirty (30) days of filing a completed application including a filing fee, established in accordance with the following fee schedule:

(3) Petitions related to construction, alteration, renovation, and/or conversion to other use of buildings and structures:

- (i) not more than eight thousand (8,000) square feet . . . one hundred dollars (\$100) filing fee;
- (ii) more than eight thousand (8,000) square feet but not more than twenty-five thousand (25,000) square feet . . . three hundred dollars (\$300) filing fee;
- (iii) more than twenty-five thousand (25,000) square feet but not more than fifty thousand (50,000) square feet . . . five hundred dollars (\$500) filing fee;
- (iv) more than fifty thousand (50,000) square feet . . . one thousand dollars (\$1,000) filing fee.

(4) The term 'square feet,' as used in this chapter, shall be the total floor space and/or storage capacity of the subject building or structure, as determined and certified by the building code commission or his or her designee, subject to review by the board. The joint committee chairperson may delegate a subcommittee of the joint committee to conduct a hearing and take testimony from the petitioner. The subcommittee shall make recommendations to the joint committee as to their findings, and a decision shall be rendered within ten (10) days of the

subcommittee's report. If the petitioner is aggrieved by the subcommittee's recommendations, the petitioner shall have the right of hearing before the entire joint committee within thirty (30) days of the rendered decision.

(5) The application filing fee income shall be deposited as general review.

(b) Appeals, Review of refusal of variation - Review of final order. Any building owner aggrieved by any decision of the joint committee refusing to grant a variation pursuant to the provisions of subsection (a) may, within thirty (30) days after the decision, commence an action in district court against the executive secretary of the joint committee, only in his or her official capacity for a review of the decision. The findings of the joint committee shall be conclusive unless clearly erroneous. A party aggrieved by a final order of the court may seek review thereof in the supreme court by petition for writ of certiorari in accordance with the procedures contained in § 42-45-16.

23-29.1-5. Technical and staff support.

The building code commissioner shall provide staff support and assistance to the joint committee on the building code element of the rehabilitation building and fire code and the state fire marshal shall provide staff support and assistance to the joint committee on the fire safety code element of the rehabilitation building and fire code. Any coordination of staff support as the joint committee deems necessary or desirable shall be provided by the building code commissioner.

23-29.1-6. Relief from liability.

Members and employees of the joint committee who are commissioners or employees of the fire safety code board of appeal and review or have responsibility for the administration or enforcement of the fire safety code shall be relieved from liability as provided for in §§ 23-28.2-17 and 23-28.3-11, and members and employees of the joint committee who are members of the building code standards committee or who are charged with the administration or enforcement of the state building code shall be relieved from liability as provided for in § 23-27.3-107.9.

23-29.1-7. Severability.

The provisions of this chapter are severable, and if any of its provisions are held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.